



W.P(MD)No.5967 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5967 of 2025

Suruliraj

..Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Theni,
Theni District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal slip in Na.Ka.No. 103/Sa.Pa/Theni/2025 dated 25.02.2025 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the rectification deed presented by the petitioner within a time stipulated by this Court.

For Petitioner : Mr.M.Arikaran
For Respondent : Mr.N.Ramesh Arumugam
Govt. Advocate



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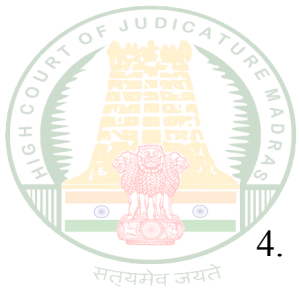
ORDER

The writ petition is filed to quash the impugned refusal slip in Na.Ka.No. 103/Sa.Pa/Theni/2025 dated 25.02.2025 issued by the respondent and direct the respondent to register the rectification deed presented by the petitioner.

2. The petitioner states that the property to an extent of 459 square feet comprised in Old S.No.335/11, N.S.No.550/4 situated at Poothipuram village, Bodinayakkanur Taluk, Theni District, belongs to his father, one Subramaniya Chettiyar. The said Subramaniya Chettiyar married one Virumayammal. From the wedlock, two daughters and three sons were born to the couple. They are:

- (i) Lakshmi,
- (ii) Murugesan,
- (iii) Velammal,
- (iv) Sannasi, and
- (v) Suruliraj (writ petitioner).

3. Subramaniya Chettiyar passed away on 18.09.2009. On his death, the aforesaid persons succeeded to the estate.



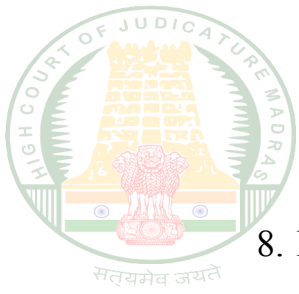
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4. In the year 2015, Virumayammal, the wife of the Subramaniya Chettiyar, also passed away, leaving behind only the petitioner and the siblings to succeed to the estate. On the death of the parents, other siblings had decided to partition the property and executed a partition deed on 14.09.2020. The document is registered as Doc. No.6443/2020 on the file of the respondent.

5. The petitioner attempted to mutate the revenue records on the basis of the partition deed. At that time, it came to his knowledge that the survey number had wrongly been mentioned in the partition deed as 355/11, New S.No.550/3 instead of S.No.335/11, New S.No.550/4. Patta number had wrongly been mentioned as 538 instead of 539.

6. To rectify the said error, the petitioner presented a rectification deed. The said deed has been rejected under the impugned order stating that the death certificate of Virumayammal has not been produced by the petitioner. Hence, this writ petition.

7. I heard Mr.M.Arikaran for the petitioner and Mr.N.Ramesh Arumugam learned Government Advocate for the respondent.



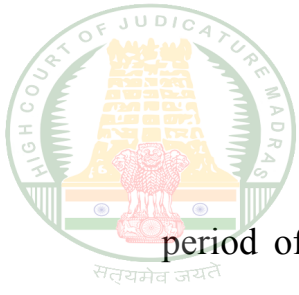
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8. Both the counsels reiterated the contentions made in the affidavit and in the impugned order.

9. A perusal of the typed set of papers shows that the petitioner had enclosed a certificate of death of Virumayammal dated 25.08.2020 issued by the jurisdictional Village Administrative Officer. Accepting this death certificate, and the legal heirship certificate of Subramaniya Chettiyar, the respondent had registered the partition deed earlier.

10. Today, the petitioner is not seeking to correct any of the details in the document other than the survey number and the patta number.

11. For this purpose, there is no necessity for the petitioner to produce the very same records, which are already available on the file of the respondent, all over again. It is not the case of the respondent that Virumayammal, who died in the year 2015, came back alive in the year 2025, and therefore, the rectification deed cannot be registered. I presume that once a person is dead, she continues to remain dead. The impugned order reeks of non-application of mind. Hence, it is set aside. The writ petition is allowed. There shall be a direction to the respondent to register the rectification deed presented by the petitioner within a



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period of two weeks from today and release the same to the petitioner. No

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12. Post the matter on 27.03.2025 for reporting compliance.

05.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

The Sub Registrar,

Sub Registrar Office,

Theni,

Theni District.



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V.LAKSHMINARAYANAN, J.

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