



W.P(MD)No.30468 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.30468 of 2024

and

W.M.P(MD)No.25609 of 2024

Unnamalai

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram,
Chennai-600 028.

2.District Registrar (Admin)
District Registrar Office,
Tiruchirappalli District.

3.The Sub Registrar,
Manachanallur Sub-Registrar Office,
Manachanallur,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order rejecting the registration of the document in the nature of partition between the petitioner and her brothers and sister in RFL/Mannachanallur/27/2024, dated 08.08.2024 on the file of the respondent No.3 and quash the same as illegal and consequently



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directing the respondent No.3 to register the partition deed between the petitioner and her brothers and sister forthwith without any further delay.

For Petitioner : Mr.R.Venkatesan
For RR 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the third respondent, dated 08.08.2024 thereby refused to register the partition deed on the ground that some part of the subject property was already sold out.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner's mother had purchased the property comprised in S.No.405/2 under patta No.2368 situated at Kariyamanikam Village, Manachanallur Taluk, Tiruchirappalli District to an extent of 84.5 cents by the registered sale deed, dated 14.10.1977 vide document No.2079/1977 from one Venkatachalam. After her demise on 05.06.2004, the petitioner and her siblings derive title over the property. They decided to partition the said property and they had executed the partition deed on 07.08.2024 and the same was presented for registration



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in respect of the property comprised in S.No.405/2B, 405/3, 405/4 situated at Kariyamanikam Village under patta No.2368 and 869, however, the third respondent refused to register the same on the ground that some portion of the property comprised in S.No.404/5 and 405/3 had already sold out in the year 1974 vide document No.552/1974.

4. The learned counsel appearing for the petitioner produced the sale deed registered vide Document No.552/1974. On a perusal of the schedule of the property revealed that the property comprised in S.No.404/5 and S.No.405/3 situated at Thirupattoor Village, Chettikulam Sub Registration, Trichirappalli was sold out by one Rasu Chettiyar in favour of one Rengasamy Gounder. The said property is completely different from the subject property of the partition deed.

5. On verification of the encumbrance produced by the third respondent also revealed that the property comprised in S.No.405/2 is situated at Kariyamanikkam Village, Manachanallur Taluk, Tiruchirappalli District was sold. The said property is no way connected with the subject property of the partition deed. That apart, there is no rival claim in respect of the subject property. Therefore, the third



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respondent without even verifying the correct records mechanically refused to register the partition deed, which was presented for registration by the petitioner and her siblings.

6. In view of the above, this Court finds infirmity in the order passed by the third respondent, dated 08.08.2024 and it cannot be sustained and liable to be quashed.

7. Accordingly, the order of the third respondent dated 08.08.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the partition deed for registration and on receipt of the same, third respondent is directed to verify the correct records in respect of the subject property and register the same and release the document forthwith, if it is otherwise in order. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

am

Order made in
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21.01.2025