



**W.P.(MD).No.5695 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 09.12.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**W.P(MD)No.5695 of 2024**

J.Pushpam

... Petitioner

VS

1.The Sub Registrar,  
Nagalnaickenpatti Sub Registrar Office,  
District Collector Office Complex,  
Dindigul.

2.Angammal.

3.Balagurunathan,

4.Mayandi.

... Respondents

(R2 to R4 are impleaded *vide* order dated 26.03.2024 in  
W.M.P.(MD)No.6186 of 2024)

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned check slip RFL/Nagalnaickenpatti/13/2024 dated 08.02.2024 issued by the respondent and quash the same and consequently direct the



**W.P.(MD).No.5695 of 2024**

respondent to register the final decree passed by the learned Additional Sub Judge, Dindigul in I.A.No.257/2017 in O.S.No.312 of 2014 dated 06.04.2018.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.S.P.Maharajan  
Special Government Pleader for R1  
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### **ORDER**

This Writ Petition has been filed challenging the Refusal Check Slip issued by the first respondent, thereby rejected the final decree for registration on the ground that the very same subject property was already dealt with one Parvathi and the said Parvathi executed the sale agreement in favour of Malraja and the legal heirs of one Balaguru registered a partition deed.

2. One Jaganathan got married Kupppammal and gave birth to three children namely, Angammal, Balagurunathan and Mayandi/the respondents 2 to 4 herein. Thereafter, the said Kupppammal died on 15.01.1964. Once again the said Jaganathan got married the petitioner and gave birth to four children, namely, Easwari, Ramachandran, Irulayee and Veerabadran. Thereafter, the said Jaganathan died on 02.02.2008, leaving behind the children born through



**W.P.(MD).No.5695 of 2024**

WEB COPY

the petitioner as well as through his first wife. All the children filed a suit for partition in O.S.No.312 of 2014 on the file of the Additional Sub Court, Dindigul for partition the land, which was derived from their father. The suit was decreed and accordingly the petitioner and the legal heirs born through the petitioner were allotted 5/8 share and 3/8 share was allotted in favour of the children born through the first wife of the said Jaganathan. Accordingly, the final decree application was also filed in I.A.No.257 of 2017 in O.S.No. 312 of 2014 and the same was also decreed on 06.04.2018 on the file of the Additional Sub Court, Dindigul. When the said decree was presented for registration before the first respondent, the first respondent refused to register the same on the ground that the very same subject property was already dealt with by one Parvathi and also the respondents 2 to 4 as the subject property for partition.

3. On perusal of the partition deed, the respondents 2 to 4 are the parties to the suit and they were allotted 3/8 share of the said property. In respect of their share alone, the fourth respondent herein executed sale deed in favour of his wife Parvathi. In turn, the said Parvathi executed agreement for sale with third party and got registered. Therefore, the partition deed, the



**W.P.(MD).No.5695 of 2024**

WEB COPY

settlement deed and the agreement for sale are nothing to do with the registration of the final decree. Further, the share dealt with by the said respondents 2 to 4 is allotted in their favour by the final decree. Therefore, there is no obstruction from the respondents 2 to 4 herein for registration of the final decree.

4. In view of the above, the Refusal Check Slip issued by the first respondent is quashed. The petitioner is directed to present the final decree for registration and in pursuance of the same, the first respondent is directed to register the final decree and release the same forthwith.

5. With the above direction, this Writ Petition is allowed. No costs.

**09.12.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
apd

To  
The Sub Registrar,  
Nagalnaickenpatti Sub Registrar Office,  
District Collector Office Complex,  
Dindigul.

4/6



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**W.P.(MD).No.5695 of 2024**

**G.K.ILANTHIRAIYAN,J.**

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**W.P(MD)No.5695 of 2024**

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**W.P.(MD).No.5695 of 2024**