



W.P (MD).No.31123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD).No.31123 of 2024

Ramaraj

... Petitioner

Vs.

The Sub-Registrar,
Sub-Registrar office,
Andipatti,
Theni District..

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal slip passed by the respondent in Refusal Number RFL/Aundipatti/43/2024, dated 5.4.2024 and to quash the same as illegal and arbitrary and consequently to direct the respondent to register the deed of Release Document, dated 31.7.2023 presented by the Petitioner, within the time stipulated by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.M.Sarangan
Addl. Government Pleader



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ORDER

This writ petition has been filed challenging the order, dated 5.4.2024, passed by the respondent, thereby, refused to register the release deed executed by the Petitioner on 31.7.2023 in respect of his share in the partnership firm called "Sri Kannan Textiles".

2.Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner and his two brothers are the partners in the partnership firm called,'Sri Kannan Textiles'. The partnership firm owned property comprised in S.No.2280 to an extent of 3 acres and 31 cents. SNo.2281/1 to an extent of 2 acres and 89 cents situated at Thimmarasanaickanur, Aundipatti Taluk, Theni District. It also owned property comprised in S.No.488/1A to an extent of 7442 sq.ft, property comprised in S.No.487 to an extent of 643.5 sq.ft, property comprised in S.No.489/2A to an extent of 2348 sq.ft situated in Aundipatti Taluk, Theni District. Insofar as the mother's share is concerned, it was bequeathed in favour of the Petitioner, who is



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one of the partner through a Will, dated 4.3.2019 vide Document No.24 of 2019.

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Therefore, the Petitioner settled his share along with mother's share in favour of his son by release deed, dated 31.7.2023 and presented for registration. However, it was refused to be registered on the ground that there are partners and without demarcating the Petitioner's right as well as without the release deed cannot be registered.

4.The learned counsel for the Petitioner would submit that the other partner of the partnership firm , 'Sri Kannan Textiles' namely, Rajasekaran had already executed a release deed insofar as his share in favour of his son and the document was duly registered by the respondent. However the document executed by the Petitioner was rejected by the respondent.

5.On a perusal of the release deed executed by the Petitioner revealed that he released his right as well as his mother's right. Therefore the Will, dated 4.3.2019 registered vide Document No.24/19 in favour of his son. At the same time, another partner namely, one S.Rajasekaran and his two daughters have released their share from the partnership firm of Sri Kannan Textiles in favour of his son and the same was registered by the respondent vide document (*)**NO.3411 of 2023 and 3412 of**



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2023. On a perusal of the release deeds revealed as if the said Rajaseakran had three shares in the partnership firm. On a perusal of the partnership deed reveals tht only there are four partners. Therefore, the respondent had rightly refused to register the release deed executed by the Petitioner, thereby releasing two shares in the partnership firm. However, the Petitioner can release his 1/4th share in the partnership firm to his (*)wife.

6.In view of the above, this Court finds no illegality or irregularity in the order passed by the respondent and as such the Writ Petition is devoid of merits.

7.Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

(*)Corrected vide order dated 03/01/2025

Sd/-

19/12/2024

// True Copy //

06/01/2025

Sub Assistant Registrar

vsn
To

<https://www.mhc.tn.gov.in/judis>



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The Sub-Registrar,
Sub-Registrar office,
Andipatti,
Theni District..

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-75637[F] dated 19/12/2024)

+1 CC to M/s.SPL GP (SR-76215[F] dated 20/12/2024)

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.