



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.8537 of 2025

1.B.Mohan

2.B.Murali

3.B.Sekar

4.B.Selvam

.... Petitioners

-Vs-

1.The Sub Registrar
Gummidipoondi
Thiruvallur District-601201.

2.Mr.R.Rajesh

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining refusal Check Slip issued by the 1st respondent vide Refusal Slip No.RFL/Gummiipoondi/41/2024 dated 06.11.2024 and quash the same as illegal, incompetent and ultra-virus and consequently direct the 1st respondent to register the partition deed dated 06.11.2024 regarding the land comprised in Survey No.29/1B1 measuring 0.02.0 Ares (5 cents) situated at No.60, Thurapallam Village, Gummidipoondi Taluk, Thiruvallur District.



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For Petitioners : Mr.A.Moorthy

For Respondents : Mr.U.Bharanidaran
Special Government Pleader
for R1

Mr.S.Gopi for R2

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 06.11.2024 issued by the 1st respondent and for a consequential direction to the 1st respondent to register the partition deed dated 06.11.2024, entered into between the petitioners with respect to the subject property.

2.Heard Mr.A.Moorthy, learned counsel for the petitioners, Mr.U.Bharanidaran, learned Special Government Pleader for R1 and Mr.S.Gopi, learned counsel for R2

3.The refusal check slip has been issued by the 1st respondent on two grounds. The first ground is that the petitioners have already filed a suit in OS.No.273 of 2022, on the file of the Principal Sub Court, Ponneri and the same is pending. The second ground is that the RDO/Executive Magistrate passed an order dated 02.01.2023 and in view of that order, the petitioners cannot present any document for registration touching upon the subject property.



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4. Insofar as the first ground is concerned, the mere pendency of a suit cannot be a ground to refuse registration of a document. The law on this issue is now too well settled and useful reference can be made to the order passed in WP.Nos.17150 and 15663 of 2018, dated 15.03.2021. It goes without saying that any document will be subject to the final result in the pending suit. The second ground raised is that the RDO/Executive Magistrate has passed an order on 02.01.2023. It is brought to the notice of this Court that the said order passed by the Executive Magistrate was put to challenge in Crl.OP.No.3817 of 2023. This criminal original petition was allowed by an order dated 24.03.2025 and the proceedings of the Executive Magistrate was quashed by this Court.

5. In the light of the above development, there cannot be any objection for entertaining and registering the partition deed.

6. The learned counsel for the 2nd respondent submitted that the property that is sought to be partitioned among the petitioners is a common pathway and that the petitioners are attempting to convert the common pathway into their exclusive property and thereby depriving the 2nd respondent from using the common pathway.

7. In the considered view of this Court, a mere registration of the document cannot change the nature of the property. If really, the property in question is a



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common pathway, the partition deed entered into between the petitioners will not change the nature of the property. In any case, such registration of partition deed will not come in the way of the 2nd respondent to raise all the grounds before the Civil Court in the pending suit. The inter se dispute between the petitioners and the 2nd respondent cannot be gone into by the 1st respondent and it cannot be gone into by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. Therefore, it will be agitated only in the pending suit which will be dealt with by the Court on its own merits and in accordance with law.

8.In the light of the above discussion, the impugned refusal check slip issued by the 1st respondent dated 06.11.2024, is hereby quashed and there shall be a direction to the 1st respondent to register the partition deed, if it is otherwise in order.

9.In the result, this writ petition is allowed in the above terms. No costs.

21.04.2025

Index : Yes/No
NCS : Yes/No
KP



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To

The Sub Registrar
Gummidipoondi
Thiruvallur District-601201.



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N.ANAND VENKATESH, J.

KP

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