



W.P.No.19508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 10.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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1.M.Renganayaki

2.R.Savithiri

3.M.Santhi

4.C.Dhanalakshmi

5.C.Saravanan

6.S.Vasanthi

7.S.Jothikumar

8.S.Nanthini

9.Saroja

...Petitioners

Vs

1.The Joint Sub-Registrar,
Namakkal,
Namakkal District.



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2.Venkatesh

3.Susila

4.S.K.Palanivel

5.Santhi

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, Calling for the entire records of the impugned order of the 1st respondent in Refusal Number: RFL/1, Joint Sub-Registrar, Namakkal 77/2023 dated 01.12.2023, quash the same and consequently direct the 1st respondent to register the partition deed.

For Petitioners : M/s.V.C.Janarthanan for
Mr.P.S.Kothandaram

For Respondents : M/s.P.Harish
Government Advocate
(For R1)

ORDER

The Writ Petition has been filed for the following relief:-

Calling for the entire records of the impugned order of the 1st respondent in Refusal Number: RFL/1, Joint Sub-Registrar, Namakkal 77/2023 dated 01.12.2023, quash the same and consequently direct the 1st respondent to register the partition deed.



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WEB COPY 2.The petitioners would submit that the property which is the subject matter of the partition deed belong exclusively to them, though a suit for partition has been filed by the respondents 2 to 5 herein. The learned counsel would submit that the properties in question originally belonged to one Chinnusamy who had executed a Will in favour of his son Ramasamy in the year 1920. Petitioners would further submit that the identity as well as the right of the respondents to claim a partition is already the subject matter of challenge in the suit for partition filed by the private parties.

3.Be that as it may. It is his contention that the document can be registered subject to the ultimate result of the suit for partition. Per contra, the learned counsel appearing for the private parties would submit that there is a serious dispute with reference to title and the matter is already before the Civil Court and the petitioners can await the registration of any document till such time as a finality is arrived at in the suit for partition. Therefore, he would support the refusal check slip issued by the first respondent.



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4.Heard Mr.V.C.Janarthanan, the learned counsel for

Mr.P.S.Kothandaram, the learned counsel for petitioner and Mr.P.Harish,
the learned Government Advocate for R1.

5.The petitioners would contend that the property belongs to them exclusively by virtue of a Will that has been executed by their grand father in the year 1920 and this document has also been annexed to the partition deed. That apart the patta in respect of the property stands in the name of the petitioners and they have also been dealing with the property in question exercising their right as owners. That apart, even the compensation for acquisition of the property has also been paid only to the petitioner which would go to show that the petitioners are in possession of the property. The document that is sought to be registered is a partition deed which is executed between the petitioner's herein. The learned counsel for the petitioner would fairly submit that the registration would be subject to the result of the suit. Therefore, the interest of the respondents 2 to 5 are also adequately protected. Therefore, the Writ Petition is allowed. The Registering Authority is directed to register the partition deed with a remark that it will be subject to the ultimate result of O.S.No.223 of 2018, within a period of two weeks from the date of



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receipt of copy of this order. It is needless to state that party shall
workout their remedies before the Civil Court.

6.Accordingly, this Writ Petition is allowed with the above
direction. No costs.

10.01.2025
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

ep

To
The Joint Sub-Registrar,
Namakkal,
Namakkal District.

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W.M.P.No.21363 of 2024

10.01.2025



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W.M.P.No.21363 of 2024
in W.P.No.19508 of 2024

P.T.ASHA, J.

Ordered on payment of single
court fee.

10.01.2025
(1/2)

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