



W.P.No.26852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 18.09.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.26852 of 2025

Viswanathan

... Petitioner

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Ammapettai,
Erode District.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the Refusal Check Slip dated 03.07.2025 in RFL/Ammapettai/28/2025 issued by the respondent herein and quash the same and consequently direct the respondent to register the Partition deed dated 27.06.2025 on re-presentation.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.P.Harish,
Government Advocate



W.P.No.26852 of 2025

WEB COPY

ORDER

This writ petition has been filed to call for the entire records relating to the Refusal Check Slip dated 03.07.2025 in RFL/Ammapettai/28/2025 issued by the respondent herein and quash the same and consequently direct the respondent to register the Partition deed dated 27.06.2025 on re-presentation.

2. Mr.P.Harish, learned Government Advocate takes notice on behalf of respondent. By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

3. Learned counsel for the petitioner submitted that the property of agricultural land comprised in S.Nos.700/8, 706/4 and 706/9, situated at Vellithiruppur Village, Anthiyur Taluk, Erode District was originally purchased by three brothers viz., Lakshmana Gounder, Rangappa Gounder and Govinda Gounder (petitioner's father). Out of the above three brothers, the elder brother viz., Lakshmana Gounder died in the year 1960 as a bachelor. Thereafter, the said property was orally



W.P.No.26852 of 2025

WEB COPY

partitioned by other two brother viz., Rangappa Gounder and Govinda Gounder and they also died. Thus, the legal representatives inherited the partitioned property without any dispute. Now, the youngest brother's legal representative viz., Viswanathan, the petitioner herein wanted to partition the aforesaid property with his legal heirs viz., Karthikeyan and Chitra and the partition deed was executed on 27.06.2025. When the said deed was presented for registration, the respondent vide order dated 03.07.2025, refused to register the same, seeking death certificate and legal heirship certificate of petitioner's father's brother viz., Lakshmana Gounder, who died in the year 1960. Challenging the said refusal order dated 03.07.2025, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner further submitted that the respondent has no right to ask for all those particulars. If the partition deed is entered between the legal heirs without any dispute, the respondent is bound to register the same and in the event of any dispute, the same will be resolved before the Court of Law and not before the Sub-Registrar/the respondent.



W.P.No.26852 of 2025

WEB COPY

5. After getting instruction, learned Government Advocate appearing for the respondent submitted that due to non-production of death certificate and legal heirship certificate of petitioner's father's brother viz., Lakshmana Gounder, who died in the year 1960, the respondent refused to register the said partition deed. However, he fairly submit that the refusal on the aforesaid ground is against the law laid down by this Court. Hence, he prays for appropriate orders.

6. Heard the learned counsel on either side and perused the materials available on record.

7. The facts of the case is not in dispute. When the petitioner and his legal heirs presented the partition deed for registration, the same was refused to register by the respondent on the ground of non-production of death certificate and legal heirship certificate of petitioner's father's brother viz., Lakshmana Gounder, who died in the year 1960, which is not sustainable and also against the law laid down by this court as well as the Hon'ble Apex Court, in many number of cases. If the parties are



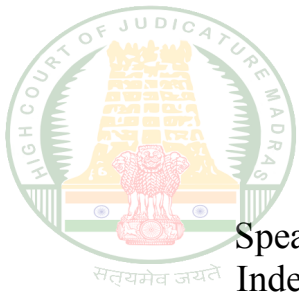
W.P.No.26852 of 2025

WEB COPY

ready to share their properties, the respondent is bound to register the same. In the event of any dispute, the same can be adjudicated before the Civil Court and not before the Sub-Registrar/the respondent. However, in the present case on hand, the petitioner and his legal heirs are ready to enter into partition and the said property were partitioned between them on 27.06.2025. When such being the case, the respondent ought to have registered the same. Therefore, this Court feels that it would be appropriate to set aside the impugned order dated 03.07.2025, passed by the respondent. Accordingly, the same is set aside. While setting aside the impugned order, this Court directs the respondent to register the partition deed dated 27.06.2025, immediately upon the receipt of a copy of this order or immediately upon the re-presentation of the said partition deed by the petitioner, whichever is earlier.

Accordingly, this writ petition stands allowed. No costs.

18.09.2025



W.P.No.26852 of 2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Sub-Registrar,
Office of the Sub-Registrar,
Ammapettai,
Erode District.

KRISHNAN RAMASAMY.J.,

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W.P.No.26852 of 2025

W.P.No.26852 of 2025

18.09.2025