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W.P.No.33606 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2025

Coram

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.33606 of 2025

Rajkumar

....

Petitioner

..Vs..

1. The Sub Registrar,
Nagalur Sub Registrar
Office,Kallakurichi District.

2.Kanagaraj

3.Kuppulakshmi

4.Rajeswari

...

Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus Calling for the records pertaining to the impugned Refusal Check Slip No.RFL/ Nagalur/ 11/ 2025 dated 25.06.2025 issued by 1st respondent, quash the same and consequently direct the 1st respondent to register and release the sale deed dated 24.06.2025 within a time frame fixed by this Court.



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For Petitioner : Mr.C.Harish

For Respondents : Mr.P.Harish
Government Advocate

ORDER

Mr.Harish, learned Government Advocate takes notice on behalf of the respondents. With consent, this Writ Petition is taken up for disposal at the stage of admission itself.

2. This Writ Petition has been filed challenging the Refusal Check Slip dated 25.06.2025 passed by the 1st respondent and to quash the same and and consequently direct the 1st respondent to register and release the sale deed dated 24.06.2025.

3. The facts of the case in the nutshell would run as follows:

(i) The petitioner is in possession and enjoyment of the vacant lands comprised in S.Nos.57/5 admeasuring 62 cents and S.No.58/2B admeasuring 10 cents and 58/B admeasuring 11 cents, having a total extent of 83 cents, situated at Ogaiyur Village, Kallakurichi Taluk & District. The respondents 2 to 4 are the petitioner's brother, mother and sister respectively. There was a oral partition with regard to ancestral properties between the petitioner and the respondents 2 to 5 and the aforesaid lands were allotted to petitioner's share.

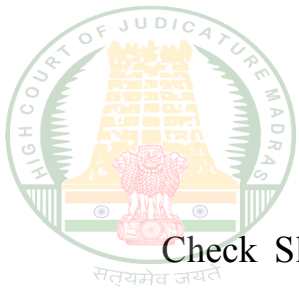


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Thereafter, the petitioner is in uninterrupted possession and enjoyment of the same. Thereafter, the petitioner has executed a settlement deed in favour of his wife in the year 2006 settling part of the subject lands.

(ii) Whileso, the respondents 2 to 4 have jointly filed a suit in O.S.No.15 of 2017 before the learned III Additional District Court, Kallakurichi, seeking relief of partition of the subject lands along with other properties. During the pendency of the suit, the 3rd respondent executed a settlement deed in the year 2019 in favour of the 2nd respondent settling 1/4th share in the above subject property along with other properties. The learned Trial Judge has dismissed the suit filed by the respondents 2 to 4 vide Judgment and Decree dated 10.04.2023.

(iii) Thereafter, the Petitioner along with his wife Saranya decided to sell the property to one Thamizharasi for a sum of Rs.2,49,000/- (Two Lakhs Forty Nine Thousand) on the strength of the above Judgment and Decree dated 10.04.2023. In this regard, petitioner and his wife Saranya had executed a sale deed dated 24.06.2025 in favour of the Thamizharasi and the same was presented for registration before the 1st respondent but however, the 1st respondent refused to register the sale deed dated 24.06.2025 vide Refusal



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Check Slip dated 25.06.2025, on the ground that 3rd respondent had filed a objection petition stating that the first appeal in A.S.No.730 of 2023 is pending before this Court. Aggrieved against which, the petitioner is before this Court by way of the present Writ Petition.

3.1. The learned counsel for the petitioner would submit that by virtue of the oral partition, the petitioner is entitled to subject properties and the respondents 2 to 4 have no right over the same. Further, he would submit that pendency of the suit is not a bar for registration of the sale deed, in view of the Judgment of this Court in the case of *N.Ramayee Vs. Sub Registrar (2020 (8) MLJ 305)*. He therefore prays to set aside the impugned refusal slip.

4. On the other hand, the learned Government Advocate appearing for the 1st respondent after getting instructions would submit that the subject lands are the ancestral properties and the suit for partition was also filed by the petitioner's brother, sister and mother. That apart, the petitioner's mother also executed a Settlement Deed on 26.06.2019 settling 1/4th share in the above subject properties in favour of the petitioner's brother. Further, he would submit that though the petitioner admitted that the subject lands are ancestral properties and claims that other L/R's relinquished their right over the subject



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properties by virtue of the oral partition, the other L/R's have filed the suit stating that they are entitled for the subject properties. That apart, the appeal filed by the 3rd respondent is pending before this Court. Since the proceedings have not attained finality and as the subject properties are ancestral properties, the authority has rightly refused to register the Sale Deed. He therefore prays for dismissal of this writ petition.

5. Heard both sides. Perused the records.

6. Admittedly the subject properties are ancestral properties. The petitioner also admitted the execution of Settlement Deed dated 26.06.2019 by his mother settling 1/4th share of the subject properties to and in favour of his brother. When that be the case, the question of claiming the entire share in the subject properties by virtue of oral partition will not arise. If the petitioner sought for registration of 3/4th share leaving 1/4th share in the subject properties, the 1st respondent may not have any objection to register the Sale Deed. But the petitioner along with his wife intended to sell the entire subject properties for which he presented the Sale Deed for registration. As rightly contended by the learned Government Advocate appearing for the 1st respondent though the petitioner admitted that the subject lands are ancestral properties and claims



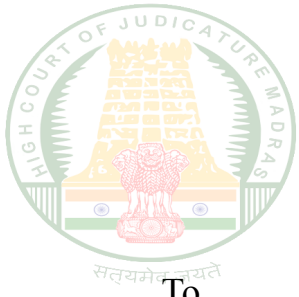
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that other L/R's relinquished their right over the subject properties by virtue of the oral partition, the other L/R's have filed the suit stating that they are entitled for the subject properties and the Appeal Suit filed by the 3rd respondent is also pending before this Court. As the dispute has not attained finality, it is not possible to register the Sale Deed with respect to the subject properties. Therefore, I do not find any error in the decision making process on the part of the 1st respondent. The decision relied on by the learned counsel for the petitioner will not apply to the facts and circumstances of this case.

7. In such view of the matter, I am not inclined to entertain this Writ Petition. Hence the same is liable to be dismissed and accordingly dismissed. No costs.

09.09.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To
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The Sub Registrar,
Nagalur Sub Registrar
Office, Kallakurichi District.



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Krishnan Ramasamy,J.,

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