



W.P.No.38345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.38345 of 2024

Arasu

...Petitioner

Vs

The Sub-Registrar,
Sankarapuram & Taluk
Kallakurichi District

...Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Refusal No.RFL/Sankarapuram/308/2024 dated 22.11.2024 passed by the respondent and to quash the same as illegal, incompetent and ultra virus and consequently direct the respondent to register and release the partition deed dated 22.11.2024 to petitioner.

For Petitioner : Mr.V.Gunasekar

For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER



W.P.No.38345 of 2024

WEB COPY

Challenging the refusal check slip issued by the respondent against the registration of a partition deed dated 22.11.2024, the petitioner is before this Court.

2.It is the contention of the petitioner that properties measuring an extent of 36 cents comprised in Survey No.122/4 and Survey No.124/4 was purchased by his father Krishnapillai through a registered sale deed dated 26.05.1959 vide Document No.1571 of 1959 on the file of Sub Registrar, Sankarapuram. Petitioner's father died intestate on 09.01.2021 and the Revenue Department had issued legal heir certificate in favour of petitioner, his brother and sisters. In order to settle the properties amongst the petitioner, his brother and sisters, they had presented the partition deed before the respondent on 22.11.2024, but the respondent refused to register on the ground that petitioner father's vendor again sold the said properties to one Kotta Naickar and the same was registered on the file of Sub Registrar, Sankarapuram. Challenging the same, the petitioner is before this Court.



W.P.No.38345 of 2024

3. Heard the learned counsels on the either side and perused the records. The learned Government Advocate takes notice on behalf of respondents.

4. A perusal of the refusal check slip itself would clearly show that the sale in favour of Kotta Naicker will not in any way affect the sale in favour of the petitioner's father, since, the property had been sold to the petitioner's father on 26.05.1959 and the subsequent sale is stated to be of the year 1964. Therefore, on the date when the subsequent sale deed had been executed the said Panchalaiaammal who had sold the property to the petitioner's father did not have any right over the property and the sale in favour of Kotta Naicker was therefore null and void. Further, the revenue records stands in the name of the petitioner's father. The refusal to register the partition deed is therefore without any legal basis and is set aside.

5. Accordingly, the Writ Petition is allowed. The impugned refusal check slip in RFL/Sankarapuram/308/2024 dated 22.11.2024 issued by the respondent is quashed. The respondent is directed to register the partition deed dated 22.11.2024 within a period of 2 weeks, from the date of its representation by the petitioner. No costs.



WEB COPY



W.P.No.38345 of 2024

02.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

To
The Sub-Registrar,
Sankarapuram & Taluk
Kallakurichi District

P.T.ASHA, J,

ep



WEB COPY



W.P.No.38345 of 2024

W.P.No.38345 of 2024

02.01.2025