



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.43410 of 2025

R.Chitra

... Petitioner

Vs.

The Sub Registrar
Mailam Sub-registrar Office,
Tindivanam Villupuram-604 304.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to order passed by the respondent dated 6.10.2025 in Refusal Check Slip No.RFL/ 63/2025 related to the sale deed for the property in Survey No.229 of 3 measuring an extent of 3,845 sq.ft (8 cent) and quash the same consequently direct the respondent to register the sale deed dated 6.10.2025 submitted by the petitioner

For Petitioner : Mr.M.S.Akash Daniel

For Respondent : Mr.U.Baranidharan, SGP



ORDER

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This writ petition has been filed against the impugned refusal check slip dated 06.10.2025 issued by the respondent.

2. Mr.U.Baranidharan, learned Special Government Pleader, takes notice on behalf of the respondent.

3. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, the petitioner had presented her sale deed for the purpose of registration, however, the same was rejected by the respondent by stating that there is a suit pending in OS.No.92 of 2025 before the Civil Court, Dindigul, wherein the Sub-Registrar was also impleaded as 4th defendant.

5. Further, he would submit that originally, the subject property belongs to the one Tamilselvi, who purchased it vide sale deed dated 30.11.1987. After her demise, the said subject property was inherited to



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her 4 legal heirs. The total extent of the property is around 89 cents, i.e., 38,804 sq.ft., in which, a petrol bunk was situated to the extent of 23,421 sq.ft. Hence, excluding the petrol bunk, the remaining portion comes to an extent of 15,383 sq.ft., in which, the 4 legal heirs are equally entitled to an extent of 3845 sq.ft., each.

6. Further, he would submit that, one Ashok Kumar, being one of the legal heirs, is entitled for 1/4th of the undivided share and accordingly, he had settled his share of land in favour of his wife, namely Kiruba, vide settlement deed dated 28.03.2025. From the said Kiruba, the petitioner had purchased the subject land vide sale deed dated 21.04.2025 and now, the petitioner is intend to sell the said subject land to one Ramkumar. Accordingly, she had presented the sale deed dated 06.10.2025 for the purpose of registration. However, the respondent had refused to register the same vide impugned refusal order dated 06.10.2025 by citing the pendency of suit in OS.No.92 of 2025 before the Civil Court by other three legal heirs of deceased owner-Tamilselvi.

7. He would contend that the subject property was sold as undivided share and hence, there will not be requirement for any consent



from the other legal heirs. That apart, no interim injunction or stay order was granted in the aforesaid suit filed by the other legal heirs. In such case, there is no impediment for the respondent to register the petitioner's sale deed dated 06.10.2025. Hence, he requests this Court to set aside the impugned order and issue direction to the respondent to register the petitioner's sale deed.

8. In reply, the learned Special Government Pleader appearing for the respondent had confirmed the submissions made by the petitioner and hence, he requests this Court to pass appropriate orders.

9. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and also perused the entire materials available on record.

10. In the case on hand, the subject property was settled the undivided share by one Ashok Kumar in favour of his wife, namely Kiruba, vide settlement deed dated 28.03.2025. Thereafter, the petitioner had purchased the said land from said Kiruba vide sale deed dated 4/10



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21.04.2025. Now, the petitioner is intend to sell the very same subject land to one Ramkumar and executed a sale deed dated 06.10.2025 in this regard. When she presented the said sale deed for the purpose of registration, the same was rejected by the respondent vide impugned refusal order dated 06.10.2025 by stating that there is a suit pending, in respect of the subject property, in OS.No.92 of 2025 before the Civil Court, Dindigul, wherein the Sub-Registrar was also impleaded as 4th defendant.

11. As rightly contended by the petitioner, the pendency of suit will not be a bar for the respondent to register the sale deed, that too, in the absence of any interim injunction/stay. Admittedly, no injunction/stay was granted in OS.No.92 of 2025 and hence, there is no impediment for the respondent to register the petitioner's sale deed.

12. Further, when the executant come forward to register the settlement deed to the extent of his entitlement, i.e., 1/4th of the undivided share of land, the Sub-Registrar will not have any authority to



refuse the registration of the said deed. When such being the case, this Court does not find any fault on the part of the Sub-Registrar, who was arrayed as 4th defendant in the aforesaid suit.

13. In view of the above, this Court is inclined to set aside the refusal check slip issued by the respondent. Accordingly, the impugned refusal check slip dated 06.10.2025 is hereby set aside. Upon re-presentation of the sale deed dated 06.10.2025, the respondent is directed to register the same, in accordance with law, if it is otherwise in order.

14. In the result, this writ petition is allowed. No cost.

14.11.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
nsa

To

The Sub Registrar
Mailam Sub-registrar Office,
Tindivanam Villupuram-604 304.



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KRISHNAN RAMASAMY.J.,

nsa

W.P.No.43410 of 2025

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DATED: 11-12-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

W.P.No.43410 of 2025

R.Chitra

....Petitioner

Vs

The Sub Registrar
Mailam Sub-registrar Office,
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...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records relating to order passed by the respondent dated 06.10.2025 in Refusal Check Slip No.RFL/63/2025 related to the sale deed for the property in Survey No.229 of 3 measuring an extent of 3,845 sq.ft (8 cent) and quash the same consequently, direct the respondent to register the sale deed dated 06.10.2025 submitted by the petitioner.

For Petitioner : Mr.M.S.Akash Daniel

For Respondent : Mr.U.Baranidhran
Special Government Pleader

ORDER

This writ petition is taken up today under the caption "For Being Mentioned".

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KRISHNAN RAMASAMY., J.

CM

2. The learned counsel for the petitioner submitted that in the order dated 14.11.2025, in paragraph Nos.4 and 10, it is wrongly mentioned as the Civil Court, Dindigul, instead of **the Civil Court, Tindivanam.**

3. Heard both sides.

4. Considering the submission of the learned counsel for the petitioner, the Registry is directed to issue a fresh order copy after rectifying the abovesaid correction.

11-12-2025

CM

To
The Sub Registrar
Mailam Sub-registrar Office,
Tindivanam,
Villupuram – 604 304.

W.P.No.43410 of 2025

10/10