



WP No. 43227 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 43227 of 2025

1.P.Srinivasan,
S/o Late Pacha Gounder,
Residing At 1/55, Kodangi Thottam
Avarapalayam, Merkupathi,
Avinashi Taluk, Tiruppur District.

2.P. Amirthalingam,
S/o Late Pacha Gounder,
Residing At 1/55, Kodangi Thottam
Avarapalayam, Merkupathi,
Avinashi Taluk, Tiruppur District.

Petitioner(s)

Vs

The Sub Registrar,
Sub Registrar Office,
Kunnathur, Tiruppur District.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India,



WP No. 43227 of 2025

praying for an issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Refusal check Slip in RFL / Kunnathur / 13 / 2025 dated 23.05.2025 passed by the respondent, quash the same, consequently, direct the respondent to register the partition deed dated 23.05.2025 executed between the petitioners.

For Petitioner(s): Mr.N.Manoharan

For Respondent: Mr.Abishek Murthy
Government Advocate

ORDER

Challenging the Refusal Check Slip in RFL / Kunnathur / 13 / 2025 dated 23.05.2025 passed by the respondent, the present writ petition has been filed.

2.Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of the respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.



WP No. 43227 of 2025

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3.Learned counsel for the petitioner would submit that the petitioners' brother Subramaniam filed a suit in O.S.No.357 of 1975 for partition against the petitioners and their father in the year 1975. By virtue of the final decree dated 21.03.1990 made in the aforesaid suit, the C schedule property was allotted to the said Subramaniam and the remaining A and B Schedule properties were jointly allotted to the petitioners herein. Accordingly, the petitioners taken possession and continued to enjoy the properties for the past 35 years. Now, the petitioners entered into a partition deed dated 23.05.2025 to divide the Suit A and B Schedule properties allotted to them in O.S.No.357 of 1975 and presented for registration. However, the respondent refused to register the same and issued the impugned refusal check slip dated 23.05.2025 stating that the sisters of the petitioners have file a suit for partition in O.S.No.10 of 2021 and one of their sister viz., Sulochana has made an objection to register the subject properties.

4.He would further submit that by referring Section 6 of the Hindu Succession Act, 2025, which came into effect on 09.09.2025, the sister of the



WP No. 43227 of 2025

WEB COPY

petitioners are claiming right over the subject property. Even assuming that no partition was made until 09.09.2025, by the petitioners, the suit A and B Schedule properties were jointly allotted to the petitioners by the Court through its final decree 21.03.1990 in the partition suit filed by the petitioners' brother. The petitioners sisters have not obtained any interim orders in the suit by filed them. Therefore, the right of the petitioners over the subject properties cannot be denied at this stage. Further, he would also submit that the petitioners are not going to alienate the subject properties and they have only partitioned the properties allotted to them by the Civil Court and prayed to pass appropriate orders.

5.Learned Government Advocate appearing for the respondent would submit that since the respondent received an objection for registration of the subject properties, the impugned refusal check slip dated 23.05.2025 came to be passed. He would further submit that necessary orders may be passed and the same will be complied by the respondent.



WP No. 43227 of 2025

WEB COPY

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondent and perused the materials available on record.

7. Considering the submissions made by either parties, it is evident that, according to the petitioners, they have acquired the right over the subject properties through final decree made in O.S.No.21.03.1990 dated 21.03.1990 and thereby Schedule A and B are allotted to the petitioners jointly and they are enjoying the properties jointly. Now by virtue of the partition deed they intend to divide the shares allotted to them and presented the partition deed for registration, which was refused by the respondent citing the reason that suit filed by their sisters is pending. As rightly contended by the learned counsel for the petitioners, the petitioners are enjoying the subject properties subsequent to the final decree dated 21.09.1990 for the past 35 years. In the event no partition was made till date, the sisters can object the registration of partition deed executed by the petitioners. However, in the present case, the partition was already made



WP No. 43227 of 2025

WEB COPY

in the suit filed by the petitioners' brother Subramaniam and the Court had allotted the shares to the petitioners and their brother as early as in the year 1990.

8.In such view of the matter, the petitioners have right to register the partition deed since no stay has been granted by the Court where the suit in O.S.No.10 of 2021 filed by the petitioners' sister is pending. In the event, shares are allotted to the petitioners' sister by the Civil Court, then the parties are bound by such judgment and decree. Further, the petitioners are not going to sell the subject properties but they only intend to register the partition deed as regards their shares allotted by the Civil Court in the year 1990. Therefore there is no impediment for the respondent to register the same.

9.In view of the above, the impugned refusal check slip dated 23.05.2025 is set aside and the respondent is directed register the partition deed dated 23.05.2025 once it is re-presented after verifying that there is no stay granted by



WP No. 43227 of 2025

WEB COPY

the Civil Court for registration of such partition deed. As regards the registration of any sale deed pertaining to the subject properties, the same shall be done subject outcome of the suit in O.S.No.10 of 2024 on the file of the learned II Additional District Court, Tiruppur, filed by the petitioners sisters.

10. With the above directions, this writ petition is disposed of. No costs.

12-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Sub Registrar,
Sub Registrar Office, Kunnathur,
Tiruppur District.



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WP No. 43227 of 2025

KRISHNAN RAMASAMY J.

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WP No.43227 of 2025

12-11-2025

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