



WEB COPY



W.P.No.43976 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.43976 of 2025

M.Pavadai

... Petitioner

Vs.

The Sub Registrar
Panruti Sub Registration Office,
Cuddalore District

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 25.10.2025 in RFL/Panruti /121/2025 and to quash the same and consequently direct the respondent to register the sale deed and to return the same

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.U.Baranidharan, SGP



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ORDER

This writ petition has been filed challenging the impugned order passed by the respondent dated 25.10.2025.

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

3. By consent of the parties, the main writ petition has been taken up for disposal in the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, the petitioner and his brother are entitled for subject property. After the demise of his brother, the legal heirs of the petitioner's brother and the petitioner are enjoying the said property. Under these circumstances, the legal heirs of the petitioner's brother had sold their share of subject property with boundaries and now, the petitioner is intend to sell his share with boundaries, for which, he executed a sale deed dated 23.10.2025 and presented the same for the purpose of registration.



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However, the respondent had rejected the same by stating that patta of the subject property stands in the name of both the petitioner and his brother and no partition deed was executed between them. The said impugned order is arbitrary in nature and hence, this petition.

5. In reply, the learned Special Government Pleader appearing for the respondents would submit that patta of the subject property stands in the name of both the petitioner and his brother, however, no partition deed was executed between them. That apart, a protest petition was also filed, in respect of the subject property, by one Panchavarnam. Hence, the respondents were not in a position to register the sale deed presented by the petitioner for the purpose of registration. Therefore, he requests this Court to pass appropriate orders.

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



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7. In the case on hand, the petitioner and his brother are entitled for subject property and the said property was orally partitioned, whereby, it was declared that the petitioner and his brother are entitled for equal share, i.e., to the extent of 2.80 Acres each. After the demise of his brother, the brother's legal heirs and the petitioner are enjoying the property.

8. Under these circumstances, the legal heirs of the petitioner's brother had sold their share of subject property with boundaries. Now, the petitioner is intend to sell his share with boundaries and accordingly, he executed a sale deed dated 23.10.2025 and presented the same for the purpose of registration. However, the respondent had rejected the same by stating that patta of the subject property stands in the name of both the petitioner and his brother and no partition deed was executed between them.



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9. It was also submitted by the Special Government Pleader that a protest petition was filed, in respect of the subject property, by one Panchavarnam. Hence, the respondents were not in a position to register the sale deed presented by the petitioner for the purpose of registration.

10. Normally, patta would be sufficient to establish the entitlement of the concerned person in respect of any property, in the event if it was issued based on the possession. When such being the case, the patta of the subject land was issued in the joint name of petitioner and his brother, which makes it clear that the petitioner is entitled for half share of the subject property, i.e., to the extent of 2.80 Acres. Now, the sale deed was executed by the petitioner only to the extent of 2.25 Acres. In such case, there will be no impediment for the respondent to register the sale deed presented by the petitioner on this aspect.

11. As far as the protest petition filed by one Panchavarnam is concerned, the respondent shall issue due notice to the concerned parties



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and conduct enquiry and thereafter, decide with regard to the registration of petitioner's sale deed.

12. In view of the above, this Court is inclined to set aside the impugned order passed by the respondent. Accordingly, the impugned order dated 23.10.2025 is set aside. The respondent is directed to issue due notice to the concerned parties and conduct enquiry and thereafter, decide with regard to the registration of petitioner's sale deed, on merits and in accordance with law, within a period of 4 weeks from the date of re-presentation of the said sale deed.

13. With the above directions, this writ petition is disposed of. No cost.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Sub Registrar
Panruti Sub Registration Office,
Cuddalore District



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KRISHNAN RAMASAMY.J.,

nsa

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