



W.P.(MD)No.2220 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.2220 of 2025

V.Jothi Tamilarasan

... Petitioner

/Vs./

1.The District Registrar,
District Registration Office,
Virudhunagar District.

2.The Sub-Registrar,
Sub-Registrar Office,
Aruppukkottai,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents not to make any transactions or registration of sale deed regarding the property in S.F.No. 303/7A, 303/5, 304/2A and 303/7B in patta No.144 situated in Kattankudi Village, Aruppukkottai Taluk, Virudhunagar District on the basis of the representation in the form of objection petition dated 26.12.2024.

For Petitioner : Mr.M.Gandhirajan

For Respondents : Mr.M.Sarangan

Additional Government Pleader



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ORDER

This writ petition has been filed for a direction directing the respondents not to make any transactions or registration of any deed of conveyance in respect of the property comprised in S.F.No.303/7A, 303/5, 304/2A and 303/7B in patta No.144 situated in Kattankudi Village, Aruppukkottai Taluk, Virudhunagar District.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner claiming to be a co-partner of the property comprised in S.F.No.303/7A, 303/5, 304/2A and 303/7B in patta No.144 situated in Kattankudi Village, Aruppukkottai Taluk, Virudhunagar District. Now, the petitioner apprehends that the other share holders attempting to sell the entire extent of the property. Therefore, the petitioner raised an objections by way of representation dated



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26.12.2024. Admittedly, as per Section 44 of Transfer of Property Act, the co-owner can sell his or her share and as if there is no bar. It is relevant to extract the Section 44 of the Transfer of Property Act:-

"44.Transfer by one co-owner:- Where one of two or more co-owners of immovable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee acquires as to such share or interest, and so far as is necessary to give, effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting at the date of transfer, the share or interest so transferred.

Where the transferee of a share of a dwelling-house belonging to an undivided family is not a member of the family, nothing in this section shall be deemed to entitle him to joint possession or other common or part enjoyment of the house"

4. Therefore, that apart, the petitioner failed to raise any objections in the requisite form and also failed to pay requisite fee, therefore, there



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is no bar as per section 44 of the Transfer of Property Act to deal with the property by co-sharer in respect of their share alone.

5. In view of the above, the prayer sought for by the petitioner cannot be considered and it is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

28.01.2025

Index : Yes / No
NCC : Yes / No
am

TO:-

1.The District Registrar,
District Registration Office,
Virudhunagar District.

2.The Sub-Registrar,
Sub-Registrar Office,
Aruppukkottai,
Virudhunagar District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
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