



W.P.(MD) No.3544 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3544 of 2025

Narayanan

... Petitioner

Vs

The Sub Registrar,
Paramakudi Sub Registrar Office,
Registration Department,
Paramakudi,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in Refusal Number. RFL/Paramakudi/11/2025 dated 03.02.2025 passed by the Respondent and quash the same as illegal, consequently directing the Respondent to register the Partition Deed dated 03.02.2025 presented by the Petitioner along with his brothers.

For Petitioner : Mr.A.Abdulkabur

For Respondent : Mr.R.Suresh Kumar

Additional Government Pleader



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ORDER

The petitioner challenges the refusal check slip in Refusal Number. RFL/Paramakudi/11/2025 dated 03.02.2025.

2.The property situated in S.No.264/7 at Ilanthaikulam Village, Paramakudi Taluk, Ramanathapuram District belongs to one Ezhuvakkal. This property was purchased by one Raman by way of a registered document in Document No.445 of 2004. The extent of purchase was 20 cents. Of this extent, 10.5 cents were acquired by the National Highways Authority of India and left out 9.5 cents in the hands of Mr.Raman. Mr.Raman passed away on 12.09.2004 and he left behind the following as legal heirs:

- 1.Pappa
- 2.Meenambal,
- 3.Narayanan
- 4.Irulayi
- 5.Gopalakrishnan
- 6.Krishnamoorthy



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3.The legal heirs of Mr.Raman partitioned the property amongst themselves by way of a registered document in Document No.3521 of 2020. The female heirs of Raman executed a declaration deed relinquishing their right that were partitioned under the aforesaid partition document.

4.Male heirs of Raman, namely, Narayanan, Gopalakrishnan and Krishnamoorthy partitioned the property amongst themselves and presented a document for registration on 03.02.2025 with the respondent. The respondent refused to register the said document on the ground that the legal heirship certificate shows there are six legal heirs for the deceased Raman and since only three legal heirs have partitioned the property amongst themselves, the document cannot be entertained.

5.Challenging the same, the present writ petition has been filed.

6.Heard Mr.A.Abdulkabur, learned Counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the



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respondent.

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7.Perusal of the impugned order shows that the Sub Registrar has aggrandized with himself the power of the civil court. A suit for partition cannot end in decree if all the legal heirs are not impleaded to the suit. However, it is not unknown for three legal heirs to enter into a partition amongst themselves. The Sub Registrar cannot hold that the principle which applies for partition suit also applies for partition documents presented for registration. Neither the Registration Act nor the Transfer of Property Act bar legal heirs from partition in the property amongst themselves. In case, the sisters of the writ petitioner and his male siblings have an issue, they are always entitled to ignore this document and seek for partition. The Sub Registrar need not act as a caveator for the sisters.

8.In the light of the above discussion, the impugned order is set aside. Accordingly, this writ petition is allowed. There shall be no order as to costs. The petitioner shall present before the first respondent by next week and the first respondent shall register the document and



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release the same, if it is otherwise in order.

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9.Call the matter after two weeks, for reporting compliance.

07.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

LR

To

The Sub Registrar,
Paramakudi Sub Registrar Office,
Registration Department,
Paramakudi, Ramanathapuram District.



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V. LAKSHMINARAYANAN, J.

LR

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