

W.P.(MD).No.4234 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

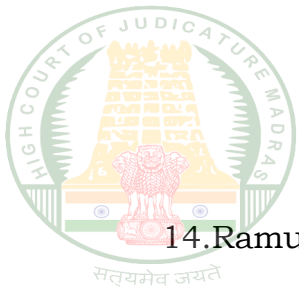
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Ramaraj

.. Petitioner

Vs.

- 1.The Sub-Registrar,
Office of Sub-Registrar,
Bodinaickkanur,
Theni District.
- 2.Shanmugathai
- 3.Venkatesapandian
- 4.Kamaraj
- 5.Indurani
- 6.Vijayalakshmi
- 7.Chellapandian
- 8.Somasundara Kattari Kamaraj
- 9.Somu Meenakshi Kumaran
- 10.Navarajapandian
- 11.Meena
- 12.Jamuna
- 13.Mangalam



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14.Ramuthai

15.Lakshmipriya

.. Respondents

(R-2 to R-15 are impleaded vide Court order dated 10.03.2025 in W.M.P.(MD).No.4123 of 2025 in W.P.(MD).No.4234 of 2025)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the Impugned Refusal Check Slip passed by the respondent in Refusal Number.RFL/Bodinaickkanur/71/2024 dated 18.12.2024 and quash the same and consequently direct the respondent to register the sale deed dated 17.12.2024 submitted by the petitioner.

For Petitioner : Mr.K.Guhan

For R-1 : Mr.N.Ramesh Arumugam
Government Advocate

For R-2 to R-15 : No appearance

ORDER

The Writ Petition is filed challenging the impugned refusal check slip passed by the first respondent in Refusal Number.RFL/Bodinaickkanur/71/2024 dated 18.12.2024 and consequently, to direct the first respondent to register the sale deed submitted by the petitioner dated 17.12.2024 .

2. The petitioner states that the property situated in Survey No.123/1A1 to an extent of 36 acres and 30 cents at Bodinaickkanur Western Malai Village, Theni District belonged to one Kamarajapandian. He



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had two sons, namely, Bangaru Naickkar and Kulasekarapandian. On the death of Kamarajapandian, his sons divided the property amongst themselves and this property was allotted to the share of Ganapathy Rajapandian, S/o.Kulasekarapandian.

3. The petitioner pleads that Ganapathy Rajapandian died on 11.12.2006 and left behind as his legal heirs, the respondents 2 to 7 herein. They had been in possession and enjoyment of the same. The respondents 2 to 7 offered the property for sale to the writ petitioner and he was willing to purchase the same. A sale deed was executed on 17.12.2024 and the same was presented for registration. The first respondent refused to receive the document and issued the impugned refusal check slip on the ground that the petitioner had not produced the original of the partition deed between Bangaru Naickkar and Kulasekarapandian. Hence, this Writ Petition.

4. I heard Mr.K.Guhan for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the first respondent.

5. Mr.K.Guhan pleads that from the very same family, the petitioner's brother one Nagaraj had purchased a property based on the partition. That property related to the other son of Kulasekarapandian, namely, Subramaniapandian. Similarly, the very same Subramaniapandian and his



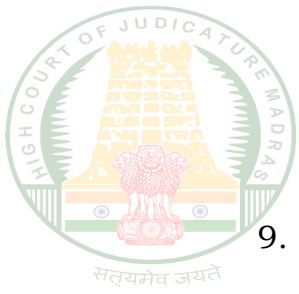
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sons alienated other portions, which fell to their share, in favour of the writ petitioner on 13.02.1998 in Document No.445/1998. Mr.Guhan argues that the very fact that Subramaniapandian had sold the property in favour the petitioner and his brother shows that there was a partition amongst the family and the properties were being individually enjoyed by the members of the said family. He further relies upon the judgment of this Court in **P.Pappu Vs. Sub Registrar, Rasipuram SRO, 2024 (5) CTC 575**, to urge that original parent documents need not be produced at the time of registration.

6. Per contra, Mr.N.Ramesh Arumugam states that admittedly, there are several sharers for the property and unless and until the petitioner is able to prove that the vendor of the petitioner was allotted the share, he cannot get a sale deed executed in his name.

7. Though notice was ordered to the respondents 2 to 15 and they have been served, none of them have entered appearance.

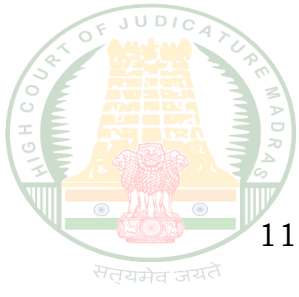
8. I have carefully considered the submissions of both sides. I have gone through the records.



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9. In terms of the judgment in **P.Pappu Vs. Sub Registrar, Rasipuram SRO** (cited supra), the Sub Registrar is not entitled to claim antecedent documents of the property as a condition precedent to register the subsequent document. As rightly contended by Mr.Guhan, earlier, the very same Sub Registrar has registered two sale deeds in favour of the petitioner and his brother, as is evidenced from the documents filed in the typed set of papers. When the Sub Registrar has accepted the sale deed with respect to one brother, it is not known why he is insisting upon the partition deed for the other brother.

10. Even assuming that there is no partition between the sons of Kamarajapandian, the respondents 2 to 7, being the legal heirs of Ganapathy Rajapandian, S/o.Kulasekarapandian, would be entitled to alienate their share in the property in favour of another person. That being the position, I am not able to sustain the impugned order. The same is quashed. There shall be a direction to the first respondent to register the sale deed executed by the respondents 2 to 7 in favour of the writ petitioner within a period of two (2) weeks from the date of uploading of this order. Needless to add that the registration of the sale deed by the respondents 2 to 7 in favour of the petitioner would not affect the right of any other sharer and it is always open to them to approach the jurisdictional Civil Court in order to prove that there was no partition in the family.



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11. The Writ Petition stands allowed in the above terms. There shall be no order as to costs.

12. Post the matter after three weeks 'for reporting compliance'.

24.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
The Sub-Registrar,
Office of Sub-Registrar,
Bodinaickkanur,
Theni District.



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V.LAKSHMINARAYANAN,J.

Lm

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