



W.P(MD)No.8141 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8141 of 2025

1.Meenakshi
2.Pachaikili
3.Pavunthai
4.S.Murugan
5.Mahalakshmi
6.S.Prabhu

..Petitioners

Vs

The Sub Registrar,
Theni,
Theni District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceeding passed by the respondent vide Na.Ka.No. 60/2025 dated 04.02.2025 and quash the same as illegal and consequently direct the respondent to register the Partition Deed dated 07.01.2025 within a period stipulated time by this Court.



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For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

This writ petition is filed to quash the impugned proceeding issued by the respondent vide Na.Ka.No. 60/2025 dated 04.02.2025 and direct the respondent to register the Partition Deed dated 07.01.2025 within a period stipulated time by this Court.

2. The petitioner states that the property situated in S.No.237/2 in Vilvamarathupuram, north side of Koppuranganpattai, Kodangipatti Village, Theni District, was purchased by his father and brothers, Patchaiya Gounder, Periya Subbiah Gounder, and Thangaiah in the year 1982. Thereafter, his father purchased an additional extent of 54 cents from his brother, Patchaiya Gounder. The petitioner's father also purchased the other extent from one Raj on 25.04.2006 with respect to the property situated in S.No.2373 of the very same village.



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3. The petitioner's father passed away on 10.02.2009. Consequently, his legal heirs mutated the documents and they are in joint possession of the property. They decided to partition the property in order to avoid any dispute. The partition deed was presented on 07.01.2025. It was not registered on account of the fact that the original document had not been enclosed along with the partition deed. Challenging the same, the present writ petition.

4. I have heard Mr.P.Sivachandran for the petitioners and Mr.N.Ramesh Arumugam, learned Additional Government Pleader for the respondent.

5. Both the counsels reiterated the contention raised in the affidavit and the impugned order respectively.

6. A Division Bench of this court in ***P.Pappu Vs. Sub Registrar, Rasipuram [2024 (5) CTC 575]***, has concluded that there is no necessity to produce the original of the parent deed at the time of registration. The view taken by the Division Bench in ***Pappu's case*** found acceptance by the Supreme Court with the dismissal of the special leave petition preferred by the State against the order of the Division Bench.



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7. In the light of the above discussion, I am not in a position to sustain the impugned order. Hence, the impugned refusal check slip in Na.Ka.No. 60/2025 dated 04.02.2025 on the file of the respondent is quashed. The writ petition is allowed. There shall be a direction to the respondent/Sub Registrar to register the partition deed dated 07.01.2025 presented by the petitioner. The said exercise shall be completed within a period of two weeks from the date of uploading of this order. No costs.

25.03.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn
To

The Sub Registrar,
Theni,
Theni District.



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V.LAKSHMINARAYANAN, J.

skn

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