

W.P.(MD)No.10569 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.(MD)No.10569 of 2025
and

W.M.P.(MD)Nos.7891 and 7893 of 2025

Sudalaimuthu

... Petitioner

vs.

The Sub Registrar,
Office of Sub Registrar,
Pettai, Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the impugned refusal check slip under RFL/Pettai/13/2025 passed by the respondent, dated 04.04.2025, and to quash the same as illegal and consequently, to direct the respondent to entertain the partition deed, dated 04.04.2025 within the time frame.

For Petitioner :Mr.S.Srikanth
For Respondent :Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

The petitioner seeks for the following relief:

“Writ of Certiorarified Mandamus, to call for the impugned refusal check slip under RFL/Pettai/13/2025 passed by the respondent dated 04.04.2025 and to quash the same as illegal and consequently, to direct the respondent to entertain the partition deed dated 04.04.2025 within the time frame.”

2.The petitioner states that his wife one Thangammal purchased a property situated in S.No.205/1 of Thiruppanikarisalkulam Village, Tirunelveli District and Taluk, on 15.07.2011. The said document was registered as Doc.No.5202/2011. The petitioner's wife passed away on 16.09.2015. The petitioner and his wife produced five children from their wedlock. One son, by name, Marikumar passed away on 24.08.2009, leaving behind his wife, Sathiyabama @ Bama and two children, by name, Sudhakaran and Parisudha.

3.Pursuant to the death of Marikumar, the said Sathiyabama @ Bama remarried one Anthony Selvam. The petitioner moved the Additional District Court-I at Tirunelveli in G.W.O.P.No.44 of 2016 seeking custody of the children. The Court also ordered the petition



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on 25.10.2016. As the petitioner is an Octogenarian, he decided to put his affairs in order and therefore, he convinced three out of his four sons to enter into a partition deed. The partition deed was entered into on 04.04.2025 and presented for registration. The respondent issued the impugned refusal check slip on the very same day stating as follows:

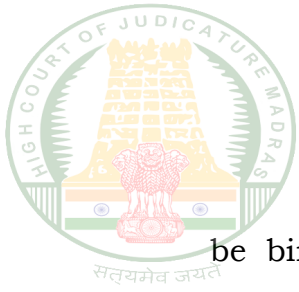
“(1)Sathiyabama @ Bama had not been made as a party to the document; and

(2)The last son of the petitioner, by name, Maharajan was not made as a party to the document.”

4.Challenging the same, the present Writ Petition.

5.I heard Mr.Srikanth for the petitioner and Mr.C.Sureshkumar learned Additional Government Pleader for the respondent.

6.A partition deed has been entered into between the members of the family in order to amicably resolve the disputes amongst themselves. The document shows that one of the sons is not a party to the said document. This implies the said partition deed would not



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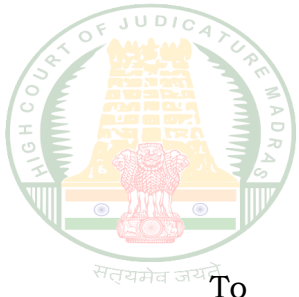
be binding on the said Maharajan, in case he decides to sue for partition. It is not the look out the Sub Registrar to decide as to why a partition deed is being entered into between the parties leaving out two alleged shares. That is the job of the Civil Court, in case a suit for partition or declaration is filed. Let the Sub Registrar not arrogate himself the power of a civil Court.

7.In the light of the above discussion, the Writ Petition is disposed of. The impugned order, dated 04.04.2025 is quashed. There shall be a direction to the respondent to register the partition deed, dated 04.04.2025, within a period of two weeks from today. No costs. Consequently, connected miscellaneous petitions are closed.

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

17.04.2025

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The Sub Registrar,
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V. LAKSHMINARAYANAN, J.

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