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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.06.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No.11084 of 2025
and
W.M.P(MD)No. 8249 of 2025

S.Ilangovan

... Petitioner

Vs.

1. The Sub-Registrar,
Thiruvonam,
Thanjavur.

2. Jeyadharani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a *Writ of Certiorarified Mandamus*, calling for the records to the impugned refusal check slip of the 1st respondent in Na.Ka.No.74/2025 dated 10.03.2025 and quash the same and consequently direct the 1st respondent to register the Partition Deed dated 26.12.2024 executed between the family member of the petitioner and release the same within the time frame fixed by this Court.



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For Petitioner : Mr.T.Eashwar
For Respondents : Mr.G.Suriya Ananth,
Additional Government Pleader,
for R-1
Mr.M.Jegadeesh Pandian, for R-2

ORDER

The writ petition is filed for issuance of a *Writ of Certiorarified Mandamus*, to quash the refusal check slip, dated 10.03.2025 and consequently, to direct register the sale deed, dated 26.12.2024.

2.The contention of the petitioner is that the property in S.No.227/2 measuring 21 Ares, ie., 51.87 cents was originally purchased by AndappaRajaliyar, the petitioner's great grand father in the name of his eldest son UdaiyappaRajali. Apart from UdaiyappaRajali, he had two other sons namely AngappaRajali and the petitioner's grand father Vellaisay Rajali. They enjoyed the property jointly and when UdaiyappaRajali left for Sri Lanka due to his avocation, he released his shares to his brothers orally and the above property fell to the share of the petitioner's grand father Vellaisamy Rajali.

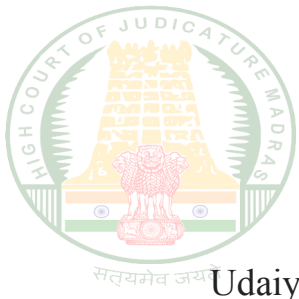


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3. Subsequent to death of Vellaisamy Rajali, the petitioner's father Subramanian and his brother Vembaiyan was in joint possession of the property and Patta No.1276 was also issued in their name. The said Vembaiyan died on 03.03.2012 leaving behind his wife Mariyammal, sons Prabhu and Ilaiyaraja, daughters Sangeetha and Pavunroja as his legal heirs. Similarly, the petitioner's father Subramanian also died on 22.10.2023 leaving behind his sons Balu, Vasu and the petitioner and daughter Renukadevi as his legal heirs and the petitioner's mother pre-deceased the petitioner's father.

4. The petitioner was passed as a legal heir and he has inherited the property and has constructed a house and the door number was also assigned. In such circumstances, the petitioner sought to register the partition deed and the official respondent has rejected the same based on the objection submitted by the 2nd respondent.

5. In the report submitted by the official respondent it is clearly stated that the 2nd respondent has not produced the legal heir certificate to establish herself as one of the legal heirs of the



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UdaiyappaRajali. Therefore, at this stage, the 2nd respondent's objection cannot be considered, since absolutely there is not records to prove that she is the legal heir of UdaiyappaRajali.

6. The Learned counsel appearing for the 2nd respondent submitted that right from 1927 onwards he has sale deed and established his right. However, there is no encumbrance from 1927 onwards. The petitioner states that he is totally a stranger. Whenever there is function in family, the 2nd respondent name will also be included which indicates they are not stranger. Therefore, the 2nd respondent has right over the property. All the issues can be resolved only by way of filing a civil suit.

7. Presently, the 1st respondent has issued a impugend refusal slip stating that the 2nd respondent has raised an objection. Therefore, the partition deed cannot be registered. It is a settled preposition of law that the registering officer cannot go into the title of the property. Only the matter can be resolved by way of filing a civil suit and not by the 1st respondent. Therefore, the impugned refusal slip issued by the 1st respondent is liable to be quashed.



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8. Accordingly, this writ petition is allowed. The impugned refusal slip is quashed and the 1st respondent is directed to register the partition deed within a period of four weeks from the date of receipt of a copy of the order. The 2nd respondent is at liberty to work out her remedy. No Costs. Consequently, connected miscellaneous petitions are closed.

17.06.2025

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

KSA

Note: Issue a copy of order on 20.06.2025

To

The Joint No.1 Sub Registrar,
Office of the Joint No.1 Sub Registration Office,
Dindigul,
Dindigul District.



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S.SRIMATHY, J

KSA

Common order made in
W.P.(MD) No.11084 of 2025

17.06.2025