

W.P.(MD).No.10955 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.10955 of 2025

1.Murugan

2.Jagadeesan

3.Lakshmi

.. Petitioners

Vs.

The Sub-Registrar,
Registration Department,
Valliyoor,
Tirunelveli District.

.. Respondent

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 order passed by the respondent in RFL/Valliyoor/16/2025 dated 02.04.2025 and quash the same and consequently, direct the respondent herein to register the Partition Deed dated 20.03.2025 in respect of the property comprised in S.No.1294/2, South Valliyoor (Part I) Village, Radhapuram Taluk, Tirunelveli District.

For Petitioners : Mr.S.Vinayak

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

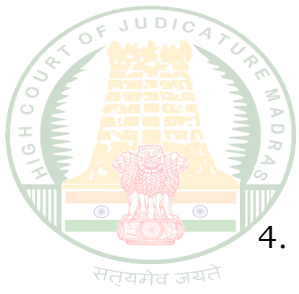
The Writ Petition is filed challenging the impugned order passed by the respondent in RFL/Valliyoor/16/2025 dated 02.04.2025 and consequently, to direct the respondent herein to register the Partition Deed dated 20.03.2025 in respect of the property comprised in S.No.1294/2, South Valliyoor (Part I) Village, Radhapuram Taluk, Tirunelveli District.

2. The petitioners purchased the aforesaid property from following three persons,

- (i) C.Selvamani,
- (ii) Jafrulla Khan and
- (iii) Subash Chandrabose

through their power agent, Jainudeen. The purchase was made on 28.04.2023 and registered in Document No.1476/2023. The petitioners decided to settle the matter amongst themselves by equitably distributing the property amongst themselves by way of a partition deed. When the said document dated 20.03.2025 was presented for registration, it was refused to be registered by the respondent stating that the western boundary has been kept apart as a common pathway. Hence, he presumed that the alienation is for a house site. Challenging the same, the present Writ Petition.

3. I heard Mr.S.Vinayak for the petitioners and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondent.



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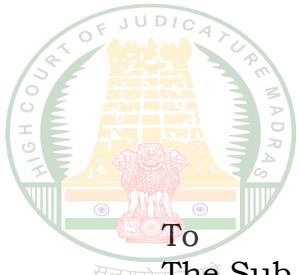
4. In order for Section 22-A of the Registration Act to apply, the nature of the document should be a document relating to transfer of ownership of lands. A deed of partition is not a document transferring ownership. The co-owners of the property decided to divide the property amongst themselves. A partition deed not being a document of title, Section 22-A is inapplicable.

5. Furthermore, the western boundary in the document showing a common pathway is not a new one, but is a pre-existing one. One co-owner cannot usurp the common pathway and that is the reason that all the three owners have decided to retain the extent on the western boundary of the property concerned in the Writ Petition as a common pathway.

6. In the light of the above discussion, the impugned order is quashed. The Writ Petition stands allowed. There shall be a direction to the respondent to register the partition deed presented by the petitioners within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

22.04.2025

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



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To

The Sub-Registrar,
Registration Department,
Valliyoor,
Tirunelveli District.



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V.LAKSHMINARAYANAN,J.

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