



W.P(MD)No.12100 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.12100 of 2025

S.Selvasivakami

... Petitioner

Vs

1. The Sub-Registrar-Vilathikulam,
3/1A, Vembar Road, Near Taluk Office,
Vilathikulam Post,
Tamilnadu -628 907.

2. The District Registrar - Tuticorin,
No.29, 3rd Street, Alagesapuram,
Thoothukudi - 628 002.

3. Muthu Manoharan

4. T.Muthumala

(R3 and R4 are Suo Motu impleaded vide court
order dated 28.04.2025 in WP(MD)No.12100 of 2025)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to quash the Refusal Check Slips bearing Nos. RFL/Vilathikulam/66/2025, 67/2025, 68/2025, and 69/2025 dated 17.04.2025 as being arbitrary, illegal and violative of the provisions of the Registration Act, 1908 and Rule 162 of the Tamil Nadu Registration Rules, and consequently direct the first respondent Sub-Registrar,



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Vilathikulam, to forthwith register the sale deeds presented by the petitioner in respect of the subject property, if they are otherwise in order, and to release the duly registered documents to the petitioner or her authorised representative at the earliest.

For Petitioner : Mr.K.Suresh Kumar
For R-1 & R-2 : Mr.S.Saji Bino
Special Government Pleader
For R-3 : Mr.Raghul Priyan
For R-4 : Mr.S.Kumar

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the refusal check slips dated 17.04.2025 and consequently direct the respondent the first respondent to register the sale deed.

2. The petitioner and respondents 3 and 4 are siblings. Apart from them, there are other siblings, namely, M.R.Selvakumar, R.Thalapathy Raja and Raja Mahendran, including one female legal heir. The petitioner and the said siblings father's name is M.Rathinasabpathy, who was having several properties. Except the subject properties in Survey Nos.605/2, 606/1B, 609/1, other properties were



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divided equally among the legal heirs.

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3. The contention of the petitioner is that their father, M.Rathinasabpathy had executed a settlement deed in favour of their mother. In turn, the mother had executed the settlement deed in favour of the petitioner. However, the respondents 3 and 4 vehemently objected for executing such settlement deed. In fact, earlier there were several suits filed by the father. In the said suits, the petitioner and other siblings admitted to compromise. Even though the suit was dismissed, there was no compromise. In the meanwhile, the mother had executed a settlement deed in favour of the petitioner. By relying upon the same, the petitioner is claiming right over the said property. But the settlement deed was also executed against the wishes of the other legal heirs. Therefore, the third respondent has filed a suit in O.S.No.34 of 2025 on the file of learned District Munsif Court, Vilathikulam, seeking partition of the party by impleading the petitioner and the other legal heirs. The said suit is currently pending and is posted tomorrow for the appearance of the parties.

4. In these circumstances, allowing the registration of the sale deed at this stage may lead to further multiplicity of proceedings. In order to avoid to multiplicity of the proceedings, this Court is not inclined to entertain this writ petition. The petitioner is at liberty to approach the Civil Court to establish his



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rights. The petitioner stated that the earlier partition was not divided equally. If it is so, the petitioner is also at liberty to raise a plea before suit.

5. With the above said directions, this Writ Petition stands dismissed. No costs.

01.07.2025

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

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To:

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S.SRIMATHY, J.

jbr

ORDER MADE IN
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