



W.A(MD) No.2248 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.2248 of 2025
and
C.M.P.(MD)Nos.12775 & 12777 of 2025**

Rajasekaran

... Appellant / third party

Vs.

1.Ramraj

... 1st Respondent / Writ Petitioner

2.The Sub Registrar,
Sub Registrar Office,
Andipatti,
Theni District.

... 2nd Respondent / Sole Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 19.12.2024 in W.P.(MD)No.31123 of 2024 insofar as the observation of the first respondent can release his 1/4th share in the partnership firm is concerned and dismiss the writ petition.



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For Appellant : Mr.M.Jerin Mathew

For Respondents : Mr.R.Karunanidhi
for R1

: Mr.D.Sasikumar
Special Government Pleader
for R2

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. Ramaraj / writ petitioner herein executed the release deed dated 31.07.2023 in favour of his wife. It was presented for registration before the Sub Registrar, Andipatti. The Sub Registrar, Andipatti declined to register the document and issued refusal check slip dated 05.04.2024. Challenging the same, Ramaraj filed W.P.(MD)No.31123 of 2024. The learned single Judge dismissed the writ petition on 19.12.2024 in the following terms:-

“3.The Petitioner and his two brothers are the partners in the partnership firm called, ‘Sri Kannan Textiles’. The partnership firm owned property comprised in S.No.2280 to an extent of 3 acres and 31 cents. SNo.2281/1 to an extent of 2 acres and 89 cents situated at



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Thimmarasanaickanur, Aundipatti Taluk, Theni District. It also owned property comprised in S.No.488/1A to an extent of 7442 sq.ft, property comprised in S.No.487 to an extent of 643.5 sq.ft, property comprised in S.No.489/2A to an extent of 2348 sq.ft situated in Aundipatti Taluk, Theni District. Insofar as the mother's share is concerned, it was bequeathed in favour of the Petitioner, who is one of the partner through a Will, dated 4.3.2019 vide Document No.24 of 2019. Therefore, the Petitioner settled his share along with mother's share in favour of his son by release deed, dated 31.7.2023 and presented for registration. However, it was refused to be registered on the ground that there are partners and without demarcating the Petitioner's right as well as without the release deed cannot be registered.

4.The learned counsel for the Petitioner would submit that the other partner of the partnership firm , 'Sri Kannan Textiles' namely, Rajasekaran had already executed a release deed insofar as his share in favour of his son and the document was duly registered by the respondent. However the document executed by the Petitioner was rejected by the respondent.

5.On a perusal of the release deed executed by the Petitioner revealed that he released his right as well as his mother's right. Therefore the Will, dated 4.3.2019 registered vide Document No.24/19 in favour of his son. At the same time, another partner namely, one S.Rajasekaran and his two daughters have released their share from the partnership firm of Sri Kannan Textiles in favour of his son and the same was registered by the respondent vide document (*)NO.3411 of 2023 and 3412 of 2023. On a perusal of the release deeds revealed as if the said Rajasekaran had three shares in the partnership firm. On a perusal of the partnership deed



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reveals that only there are four partners. Therefore, the respondent had rightly refused to register the release deed executed by the Petitioner, thereby releasing two shares in the partnership firm. However, the Petitioner can release his 1/4th share in the partnership firm to his (*)wife.

6.In view of the above, this Court finds no illegality or irregularity in the order passed by the respondent and as such the Writ Petition is devoid of merits.”

Aggrieved by the same, this third party appeal has been filed after getting leave from this Court.

3. The appellant Rajasekaran and Ramaraj are brothers. According to Ramaraj, the property in question is a partnership asset of M/s. Sri Kannan Textiles. The writ petitioner would assert that apart from the appellant and the writ petitioner, there were two other partners. Even according to the writ petitioner, it was a partnership asset and each of the partners have 1/4th share therein. In all fairness, all the remaining partners should have been impleaded in the writ petition. The writ petitioner wanted to steal an order behind others' back. We cannot condone such conduct.



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4. The learned counsel for the appellant states that he is aggrieved only by the finding given in Paragraph No.5 of the order of the learned single Judge. According to the appellant, the property in question is an individual property. According to the writ petitioner, it is a partnership property. This factual dispute cannot be adjudicated either by the registering authority or by the writ Court. This issue has to be decided only by the civil Court. The impugned finding given by the writ Court in Para No.5 is set aside. The operative portion of the order is maintained. The Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
05.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To
The Sub Registrar,
Sub Registrar Office,
Andipatti,
Theni District.

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