



W.P(MD)No.21599 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21599 of 2025

Amutha

... Petitioner

vs.

The Sub Registrar,
Manavalakurichi,
Kanniyakumari District.

...Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records relating to the impugned check slip issued by the respondent vide Refusal No. RFL/Manavalakuruchi/31/2025 dt. 02.07.2025 and quash the same as illegal and consequently direct the respondent to register the sale deed presented by the petitioner dated 02.07.2025.

For Petitioner :Mr.A.Balakrishnan

For Respondent : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned check slip issued by the



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respondent dated 02.07.2025 and consequently direct the respondent to register the sale deed dated 02.07.2025.

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2. The petitioner has purchased 6 cents of land in Re.Sy.No.472/9 of Manavalakuruchi village. Originally the said land belongs to one Chinna Nadar. He died intestate leaving behind his wife Thanka Nadachi and three sons, namely Thankaraj, Thiraviam and Chinnadurai. After the death of Chinna Nadar, one of his son namely Thankaraj filed a suit in O.S.No.38 of 1996 on the file of the Sub Court, Padmanabhapuram for partition by arraying his two brothers as defendants. In the suit, several items of properties were shown in the schedule of properties and 6 cents of land was shown as 7th item. The legal heirs of Chinnadurai did not cooperate for registration or divide the property as per agreement dated 07.09.1994. The suit was filed for partition.

3. Pending suit, one of the legal heir, namely Chinnadurai filed another partition suit in O.S.No.65 of 1996 on the file of the Sub Court, Padmanabhapuram for the very same properties and other properties in which all legal heirs of Chinnadurai were arrayed as defendants, including the widow of Chinna Nadar. In the plaint, the Chinna Nada also admitted about the partition agreement dated 07.09.1994, but claimed that parties were not acted as per the agreement. It was also averred that wife of Chinna Nadar, namely Thanka



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Nadachi was not a party to the agreement and she was not allotted to any share.

Hence, the partition agreement is not valid and therefore prayed before the Court to grant a partition decree.

4. After hearing the parties, both the suits were tried together and common Judgment dated 18.12.2001 was passed, wherein final decree was granted for partition, based on the partition agreement dated 07.09.1994. Aggrieved over the same an appeal in A.S.Nos.138 & 139 of 2002 was filed on the file of the Principal District Court, Kanniyakumari District and the appeals were allowed on 16.06.2003 and the decree in O.S.No.38 of 1996 and O.S.No.58 of 1996 were set aside, preliminary decree was passed in O.S.No.58 of 1996, 1/4 share was granted to the parties. Aggrieved over the same, S.A.Nos.815 and 816 of 2004 were filed. During the pendency of the second appeal, the parties entered into compromise and unregistered partition deed was executed on 31.08.2023. In which 6 cents of property situated in Re.Sy.No.472/9 was allotted to Chinna Durai as 3rd item in 'C' Schedule property.

5. After the compromise, through a letter dated 15.09.2023 the second appeals were dismissed as withdrawn. Now the petitioner has purchased the said land from the said Chinna Durai. When presented before the registration department, the same was refused on the ground that the compromise was not

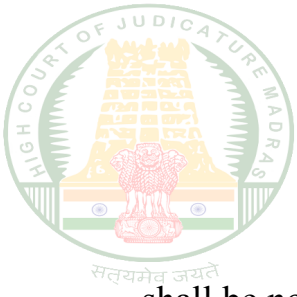


formed part of the decree passed in the second appeals. There is no seal affixed in the said compromise. Therefore, the respondent has refused to register the same.

6. The learned counsel appearing for the petitioner submitted that the said compromise was entered into out of Court settlement which was executed in Rs.100/- stamp papers. Thereafter, based on the same, it was reported before the Honorable High Court for withdrawal of the second appeals, through a letter dated 15.09.2023. When the respondent sought for clarification, the petitioner submitted the said letter. However, disbelieving the same, the respondent failed or refused to register.

7. Considering the facts of the case, this court is of the considered opinion that when the parties have entered into compromise that too they have executed in Rs.100/- stamp paper there is no reason to disbelieve the same. Further, based on the same this Court has disposed the second appeals recording the compromise. Therefore, the refusal slip is non application of mind.

8. Accordingly, the impugned check slip issued by the respondent dated 02.07.2025 is hereby quashed. The respondent is directed to register the sale deed dated 02.07.2025, within a period of four weeks from the date of receipt of a copy of the order.



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9. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

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07.08.2025

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

KSA

To:

The Sub Registrar,
Manavalakurichi,
Kanniyakumari District.



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.21599 of 2025**

DATED :07.08.2025