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WP(MD) NO. 2838



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-11-2025

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THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

WP(MD) NO. 28385 of 2025

and

WMP(MD)No.22037 of 2025

1.T.Chidhiraivel

2.T.Paulsamy

3.T.Balakrishnan

4.K.Ponnammal

5.Mr.S.Kottai Muthammal

6.K.Balakumar

7.K.Palrajan Petitioner(s)

Vs

1.The District Registrar,
District Registrar Office,
Thoothukudi District.

2.The Sub Registrar
Vilathikulam Sub Registrar Office
Vilathikulam, Thoothukudi District.

3.K.Anantharajan

4.G.Nataraj Subramanian Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to receive and register partition Deed dated 08.09.2025 executed by the petitioners along with 3rd respondent with regard to property situated at Survey No.294/1 Veppalodai Village, Ottapitaram Taluk, Thoothukudi District within stipulated time and to pass such other or further orders as this Court may deem fit and proper in the circumstances of this case and thus render

justice



For Petitioner(s): Mr.B.Rajesh Saravanan



For Respondent(s): Mr.Mr.G.V.Vairam Santhosh

Additional

Government

Pleader

ORDER

Heard both sides.

2.The petitioner herein executed a partition deed dated 08.09.2025 and presented the same for registration. The private respondents herein appeared to have raised objections that their shares also have been included in the partition deed. Thereupon, the registering authority declined to register the document. The learned counsel for the petitioner states that the document was not even received for consideration by the registering authority. Hence, this writ petition has been filed.

3.The petitioners are permitted to re-present the document on 15.12.2025 at 11.00 A.M. The private respondents shall also be present in person. They will not receive any independent notice. The registering officer shall hold an enquiry either on the same day or any other day. The private respondents on the strength of documentary proof will indicate their claim. If the petitioners are not willing to exclude the lands on which the private respondents stake claim on the strength of the documentary proof, the partition deed shall not be registered. If the private respondents are not able to adduce any proof, it shall be registered and the fourth respondent shall be advised to go before the jurisdictional court. If there is no consensus between the parties, the registering officer shall pass a speaking order as to why he is refusing to register the document. It is open to the petitioners to challenge the speaking order. All the contentions of the petitioners are left open. This exercise shall be completed within a period of four weeks from the date of receipt of copy of this order.



4.This writ petition is disposed of. No costs. Connected miscellaneous petition



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Note : Issue order copy on 10.12.2025

To

1.The District Registrar,
District Registrar Office,
Thoothukudi District.

2.The Sub Registrar
Vilathikulam Sub Registrar Office
Vilathikulam, Thoothukudi District.

G.R.SWAMINATHAN, J.



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