



W.P(MD)No.34709 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.34709 of 2025

Meena Bai

... Petitioner

vs.

1. The Sub Registrar,
(Position of District Registrar),
Sub-Registrar Office,
Nagamalai Pudukkottai,
Madurai District.

2. Seetha Bai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, by calling for the entire records pertaining to the refusal slip issued by the 1st respondent in Refusal Number RFL/Nagamalai Pudukkottai/11/2025 dated 20.11.2025 and quash the same, consequently direct the 1st respondent to forthwith register the sale deed presented by the petitioner on 20.11.2025.

For Petitioner : Mr.M.Pitchai Muthu
For R1 : Mr.A.Kannan



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W.P(MD)No.34709 of 2025

Additional Government Pleader

ORDER

Challenging the refusal slip issued by the 1st respondent in Refusal Number RFL/Nagamalai Pudukkottai/11/2025 dated 20.11.2025, this writ petition has been filed to quash the same with a consequential direction to the 1st respondent to forthwith register the sale deed presented by the petitioner on 20.11.2025.

2. The learned counsel for the petitioner submits that the petitioner is the owner of the properties in Survey No.144/14 and 144/15, 162/3 and 162/4A situated at Melamathur, Kamatchipuram Village, Madurai South Taluk. She inherited the said properties from her husband Nagoji Rao who inherited the properties from his mother Eera Bai who inherited the properties from her husband namely, Nagasamy Rao. The said Nagasamy Rao had two wives namely, Eera Bai and Sarasu Bai. On 30.05.1981, the properties of Nagasamy Rao were partitioned between Eera Bai as well as her five sons and Sarasu Bai. As per the said partition, the properties in the above said survey numbers were allotted to Eera Bai as well as to her five sons. Thereafter, Eera Bai



W.P(MD)No.34709 of 2025

as well as her four sons executed a settlement deed settling their shares in favour of the petitioner's husband namely, Nagoji Rao and after his death, the properties devolved on the petitioner and her three sons. The three sons of the petitioner also executed a gift deed to the petitioner in respect of their shares and by virtue of the same, the petitioner is the absolute owner of the above said properties. Now the petitioner intends to sell the properties in Survey Nos.144/14 and 144/15 measuring 1 acre and 23 cents and 16 cents respectively to one Pandian and accordingly presented a sale deed before the 1st respondent on 20.11.2025, but the 1st respondent refused to register the same and issued the impugned refusal slip citing the protest petition filed by the 2nd respondent who is one of the daughters of Eera Bai. Hence, this writ petition.

3. The learned counsel for the petitioner contends that one of the female legal heirs of Eera Bai namely, 2nd respondent made objections claiming that there was no partition as alleged by the petitioner and the female heirs are also entitled to the properties of their mother. Accordingly she filed a protest petition before the 1st respondent not to register any document in respect of those properties.



W.P(MD)No.34709 of 2025

However, the 1st respondent without conducting any enquiry, has erroneously issued the impugned refusal slip. Hence, the same is liable to be set aside.

4. The learned Additional Government Pleader appearing for the 1st respondent submits that since the 2nd respondent filed a protest petition, the 1st respondent rightly issued the impugned refusal slip. Thus, there is no infirmity in the impugned order.

5. Heard both sides.

6. If there was any unregistered partition deed among the male heirs with the knowledge of the female heirs, then the question of claiming back any right over the properties by the female heirs would not come into picture. However, in the present case, the alleged partition appears to be an oral partition among the male heirs. Therefore, one of the female legal heirs namely, 2nd respondent filed a protest petition. Such being the case, the 1st respondent before registering the petitioner's sale deed should have conducted an enquiry



W.P(MD)No.34709 of 2025

based on the protest petition filed by the 2nd respondent. However, no enquiry was conducted by the 1st respondent and he has mechanically issued the impugned refusal slip. Therefore, the same is liable to be set aside and accordingly, the impugned refusal slip in Refusal Number RFL/Nagamalai Pudukkottai/11/2025 dated 20.11.2025 is set aside. The petitioner is directed to re-present the document in which case the 1st respondent is directed to issue notices to the 2nd respondent and other female heirs of Eera Bai, conduct an enquiry and afford sufficient opportunity of personal hearing to the parties and thereafter pass appropriate orders in accordance with law within a period of two weeks from the date of presentation of the document by the petitioner.

7. With the above direction, the Writ Petition is disposed of. No costs.

16.12.2025

Index : Yes / No
Neutral Citation : Yes / No
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To



W.P(MD)No.34709 of 2025

The Sub Registrar,
(Position of District Registrar),
Sub-Registrar Office,
Nagamalai Pudukkottai,
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W.P(MD)No.34709 of 2025

KRISHNAN RAMASAMY, J.

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ORDER MADE IN
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