



W.P.(MD)No.36163 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2025

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THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.36163 of 2025

S.Pechithai

...Petitioner

vs.

1.The District Registrar,
Thoothukudi,
Thoothukudi District.

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

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Refusal No.RFL/Srivaikundam/66/2025, dated 05.11.2025, issued by the second respondent and quash the same as illegal and consequently direct the second respondent to register the sale deed dated 09.10.2025 presented by the petitioner for registration.

For Petitioner : Mrs.M.Anbarasi
for Mr.J.Krishnakannan

For Respondents : Mr.A.Kannan,
Additional Government Pleader



W.P.(MD)No.36163 of 2025

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ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the second respondent in Refusal No.RFL/Srivaikundam/66/2025, dated 05.11.2025, and to direct the second respondent to register the sale deed dated 09.10.2025 presented by the petitioner for registration.

2. Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents.

3. By consent on either sides, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner would submit that the petitioner intends to purchase some extent of the property situated in S.No.240/1, Kalvai Village, Srivaikundam Taluk, Thoothukudi District. However, the second respondent refused to register the sale deed presented by the petitioner stating that a third party has made objection and a partition suit is pending before the Civil Court. According to the learned counsel, in the absence of any interim injunction in the partition suit, there is no bar for



W.P.(MD)No.36163 of 2025

the second respondent to register the sale deed and the second respondent, merely, based on the objection is refusing to register the sale deed. Hence, the present Writ Petition.

5. *Per contra*, the learned Additional Government Pleader appearing for the respondents would submit that there are eight legal heirs to Thangathevar and only four legal heirs intend to execute the sale deed dated 09.10.2025. There is a partition suit pending before the Civil Court. In such circumstances, the second respondent is not in a position to register the sale deed.

6. I have given due consideration to the submissions made on either sides.

7. In the present case, the subject property originally belonged to one Thangathevar, s/o.Perumal Thevar. After the demise of Thangathevar, the above property was allotted to his eight legal heirs. The petitioner intends to purchase the subject property from four legal heirs of Thangathevar *vide* sale deed dated 09.10.2025. One of the other legal heirs of Thangathevar has made objection for registration of the sale deed dated 09.10.2025. To be noted, partition suit is also pending before the Civil Court.



W.P.(MD)No.36163 of 2025

8. As the right of the petitioner's four vendors' is derived through ancestral property, this Court orally suggested the petitioner to implead the other legal heirs of Thangathevar as respondents in the present petition. However, the learned counsel replied that the same is not required and would submit that unless and otherwise injunction is in force, there is no bar for the second respondent to register the sale deed.

9. The petitioner's submission can be accepted in the event if his vendors' are the absolute owners of the subject property. In the present case, there are eight legal heirs to Thangathevar and out of those, only four legal heirs intend to sell the subject property. In such circumstances, if the other legal heirs are impleaded, this Court would hear their grievance and thereafter, decide on further alienation of the subject property. No information as to the share of the petitioner's vendors' in the ancestral property and that of the other legal heirs is available before this Court. When a suspicion arose in the mind of the Court, it is the duty of the petitioner to clarify. However, the petitioner is blind foldedly referring to some earlier Judgments to say that unless and otherwise, injunction is in force, there is no bar for the second respondent to register the sale deed. I am also in agreement with the above view. However, when there is a suspicion in the mind of the Court as to the extent of the petitioner's vendors'



W.P.(MD)No.36163 of 2025

share in the ancestral property, it is not appropriate to pass orders at the instance of the petitioner alone. Therefore, this Court is not inclined to entertain this Writ Petition. Once the entitlement of the petitioner's vendors' is decided before the Civil Court, the petitioner can proceed with the registration of the sale deed.

10. In the result, this Writ Petition is dismissed. No costs.

18.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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To

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Thoothukudi,
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W.P.(MD)No.36163 of 2025

KRISHNAN RAMASAMY, J.

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W.P.(MD)No.36163 of 2025

18.12.2025