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W.P.No.5131 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.5131 of 2026

1. S.Gopi
2. Maragatham
3. G.Balamurugan .. Petitioners

VS

1. The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai – 600 028.
2. The Sub Registrar,
Sivagiri,
Erode District – 638 109. .. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records on the file of the 2nd respondent in the impugned order made in refusal check slip in No.RFL/Sivagiri_Erode/165/2025, dated 26.12.2025 and quash the same and consequently direct the respondents to register the sale deed, dated 15.12.2025 presented by the petitioners for registration.

For Petitioners : Mr.P.Kannankumar
For Respondents : Mr.U.Baranidharan
Special Government Pleader



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ORDER

A partition suit was filed by the first petitioner and his father in O.S.No.52 of 2008 before the I Additional Subordinate Judge, Erode seeking partition. Preliminary decree dated 24.03.2011 was issued in the said suit. Such preliminary decree was registered. Pursuant thereto, the petitioners presented the sale deed dated 15.12.2025 before the second respondent for registration. The request was declined under the impugned refusal check slip.

2. Adverting to the refusal check slip, learned counsel for the petitioners submits that the reason for refusal is that it is an *ex parte* decree. Relying on an earlier order of this Court dated 13.03.2024 in W.P.No.6005 of 2024, learned counsel submits that the present dispute is squarely covered by the said order.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for both the respondents. Referring to the schedule of sale deed dated 15.12.2025, he points out that the petitioners have divided the property by metes and bounds without awaiting the final decree.



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4. In the preliminary decree, the entitlement of the petitioners to twelve contiguous shares has been declared. However, the specific portion of the property allotted to the petitioners would be identified only during final decree proceedings. Meanwhile, it is, however, possible for the petitioners to convey undivided share in the property. The petitioners are permitted to re-draft the sale deed in such manner and present the same before the registering officer. Within two weeks from the date of such presentation, subject to fulfillment of other requirements relating to registration, the registering officer shall register the document, if prepared in the manner aforesaid.

5. This writ petition is disposed of on the above terms. There shall be no order as to costs.

24.02.2026

Index:Yes/No
Neutral Citation:Yes/No
mmi

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai – 600 028.
2. The Sub Registrar,
Sivagiri, Erode District – 638 109.

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SENTHILKUMAR RAMAMOORTHY,J.

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