



WEB COPY

WP No. 8196 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-03-2026**

CORAM

**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**

**WP No. 8196 of 2026 AND WMP NO. 8880 OF 2026**

Saraswathi

Petitioner(s)

Vs

The Sub Registrar  
No. 1/2 Kumaran Street, Gandhi Road,  
Sivagiri, Erode district, Tamil Nadu 638  
109

Respondent(s)

**PRAYER**

calling for the records of the respondent in relation to the impugned Refusal Check Slip dated 26.12.2025 bearing No. RFL/ Sivagiri \_Erode/ 164/ 2025 passed by the respondent consequently direct the respondent to register the partition deed dated 26.12.2025 executed by the petitioner based on the decree dated 26.03.2025 passed in OS. No. 147 of 2021 on the file of the Principal Subordinate court at Erode.

For Petitioner(s): Mr.N.S.Amogh Simha

For Respondent(s): Mr.U.Baranidharan,SGP

**ORDER**

This writ petition has been filed, challenging the impugned refusal check slip dated 26.12.2025 issued by the respondent, refusing to register the partition



deed dated 26.12.2025, presented by the petitioner for registration on the ground that the partition decree has not attained finality.

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2.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice and on the ground that it is a non-speaking order. The petitioner claims that by virtue of the decree dated 26.03.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub Court, Erode, the petitioner and his cousin Subramani are the owners of the undivided share in the entire property, morefully disclosed in the schedule to the decree dated 26.03.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub Court, Erode. Pursuant to the decree dated 26.3.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub Court, Erode, the petitioner and his cousin have also executed a partition deed dated 26.12.2025. Both the decree dated 26.03.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub Court, Erode and the Partition Deed dated 26.12.2025 were presented by the petitioner for registration. The same have been refused under the impugned refusal check slip dated 26.12.2025 for the reasons stated supra.

3.The petitioner categorically contends before this Court that the decree dated 26.03.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub



Court, Erode has attained finality and the Partition Deed dated 26.12.2025 entered into between the parties thereafter is a genuine and valid document.

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4.Mr.U.Baranidharan, learned Special Government Pleader accepts notice on behalf of the respondent.

5.This Court is not expressing any opinion on the merits of the petitioner's representation.

6.As seen from the impugned refusal check slip dated 26.12.2025, no opportunity of hearing was granted to the petitioner prior to the passing of the impugned refusal check slip dated 26.12.2025. The contentions of the petitioner as raised in this petition as well as the supporting documents produced by the petitioner were not considered by the respondent under the impugned refusal check slip dated 26.12.2025.

7.Being an order passed in violation of principles of natural justice and being a non-speaking order with regard to the petitioner's contentions and the supporting documents, this Court is of the considered view that the impugned refusal check slip dated 26.12.2025 has to be quashed and the matter has to be



remanded back to the very same respondent for fresh consideration, on merits and in accordance with law.

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8.The petitioner is directed to submit a written explanation to the respondent stating as to how the petitioner and his cousin Subramani trace their title over the property and stating as to how there is no legal prohibition for the respondent to register both the documents, namely, the partition deed dated 26.12.2025 and the decree dated 26.03.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub Court, Erode, within a period of two weeks from the date of receipt of a copy of this order.

9.On receipt of the said written explanation within the stipulated time, the respondent shall take a final decision whether to register the two documents namely, the partition deed dated 26.12.2025 and the decree dated 26.03.2025 passed in O.S. No.147 of 2021 on the file of the Principal Sub Court, Erode or not, after giving due consideration to the contentions of the petitioner as raised in the petitioner's written explanation and the supporting documents to be produced by the petitioner, on merits and in accordance with law. If the respondent decides to reject the petitioner's request for registration of the said documents, the respondent shall pass a speaking order with regard to the contentions of the petitioner, as to how there is no prohibition for the respondent



to register the Partition Deed dated 26.12.2025, after giving due consideration to the supporting documents to be produced by the petitioner, within a period of four weeks thereafter. With the above direction, this writ petition is disposed of.

Consequently, connected WMP is closed. No costs.

**09-03-2026**

vga

To

The Sub Registrar  
No. 1/2 Kumaran Street, Gandhi Road,  
Sivagiri, Erode district, Tamil Nadu 638  
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**ABDUL QUDDHOSE J.**

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