



WP(MD). No.3680 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 11/02/2026

CORAM

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

WP(MD). No.3680 of 2026

Muthumadathi

... Petitioner

Vs

1. The District Registrar,
Tenkasi District,
Tenkasi..

2. The Sub Registrar,
Karivalamvandanallur,
Tenkasi District..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining the impugned Refusal Check Slip dated 30.01.2026 in RFL/Karivalamvandanallur/5/2026 issued by the 2nd respondent and to quash the same as illegal, arbitrary and without jurisdiction and consequently to direct the 2nd respondent to register the settlement deed dated 30.01.2026 presented by the petitioners within the time frame fixed by this Court.

For Petitioner : Mr.T.Veldurai
For Respondents : Mr.M.Lingadurai
Special Government Pleader



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4. The learned counsel for the petitioner would submit that the property in question was purchased by the petitioner's father and he died in the year 1984. Since then, the petitioner and her siblings are in possession and enjoyment of the said property. While so, a suit for partition was instituted by the petitioner and her brother in OS No. 267/2006 claiming 1/3rd equal share against their brother Madasamy. The suit came to be allowed on 28.09.2007 on the file of the Principal District Munsif, Sankarankoil. Challenging the said judgment and decree, appeal suit was filed in AS No.2/2008 and the same was allowed by the lower appellate Court, challenging the said judgment, a second appeal has been filed before this Court in SA(MD) No.670/2009. The learned counsel would contend that pending the second appeal, the brother of the petitioner Madasamy sold the entire property to one Madasamy on 13.07.2009. Based on the said sale deed, the said Madasamy sold 10 cents to one Murugammal vide Doc. No.1848/2012. Subsequently patta was also mutated in their names. While so, the second appeal came to be allowed vide judgment dated 17.09.2014 by restoring the judgment and decree of the trial Court in OS No.267/2006 and the petitioner has also filed an application in IA No.199/2017 before the trial Court and an



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Advocate Commissioner was appointed on 02.09.2024 and final decree application is yet to be ordered. The learned counsel would submit that now the petitioner intends to settle her share of the property in favour of her son and presented the document and that document came to be refused to be registered. The learned counsel would contend that when the findings rendered by the trial Court has attained finality pursuant to the judgment of this Court in the second appeal, the petitioner is entitled to her share of property ie., 33.3 cents and hence, the petitioner executed a settlement deed, which came to be rejected on the ground that there are encumbrances in the said property by virtue of the sale executed by the brother of the petitioner Madasamy. Accordingly, prays for interference.

5. The learned Special Government Pleader would however contend that though the petitioner has obtained her share of property through the judgment of this Court, before the said judgment, the property came to be alienated by the petitioner's brother to another Madasamy and Murugammal. Therefore, since there are encumbrances, rightly the document came to be rejected.



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6. I have considered the rival submissions and perused the materials available on record.

7. It appears that in the present case, no doubt, the petitioner and her siblings are entitled to their respective shares in the property of their father. Rightly, the petitioner has instituted the suit, which culminated in second appeal and the petitioner has succeeded before this Court in the second appeal and hence, she has also filed an interlocutory application for passing of the final decree and an Advocate Commissioner was also appointed by the Court below. When the petitioner has succeeded before this Court, she is entitled to 1/3rd share from the total area of property. It is also brought to the notice of this Court that lands have been sold to one Madasamy and Murugammal. If any land is sold over and above shares of Madasamy, it will affect the shares of the petitioner also. However, when the petitioner is entitled to 1/3rd of her share and her right has already been quantified as per the judgment of this Court, which has attained finality, the settlement deed can very well be presented for registration. Hence, I do not find any impediment for the 2nd respondent to register the settlement deed.



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8. Accordingly, the writ petition stands allowed and the impugned order is set aside and the petitioner is directed to represent the settlement deed and upon such representation, the 2nd respondent shall register the same forthwith. No costs.

11.02.2026

NCC : Yes/No

Index : Yes/No

RR

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KRISHNAN RAMASAMY, J

RR

**ORDER
IN
WP(MD) No.3680 of 2026**

Date : 11/02/2026