



W.P.(MD) No.7828 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.7828 of 2026

Gunasekaran

S/o.Ooli Gounder @ Kalyani

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai - 600 028.

2.District Registrar (Admin),
District Registrar Office,
Tiruchirappalli District.

3.The Sub Registrar,
Mannachanallur Sub Registrar Office,
Mannachanallur,
Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order rejecting the registration of the document in the nature of partition between the petitioner and his brother and sister and mother in RFL/Mannachanallur/46/2026 dated 04.03.2026 on the file of the third respondent and quash the same as illegal and consequently directing the third respondent to register the partition deed between the



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petitioner and his brother and sister and mother forthwith without any further delay.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned refusal check slip dated 04.03.2026.

2. Upon hearing the learned counsel on either side and perusing the impugned refusal check slip, it can be seen that the property in Survey No. 247/12 was originally purchased by one Mooka Gounder and his wife Chinnammal *vide* registered Document No.1817 of 1955, dated 28.12.1955. The case of the petitioner is that after the death of the said persons, the property came to vest with Kalyani alias Ooli Gounder, the father of the petitioner. After the death of the said Kalyani alias Ooli Gounder, a document for partition, along with other self-acquired properties, has now been presented for registration.



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WEB COPY 3. Upon presentation of the document, it has been refused registration for two reasons:

(i) Firstly, it is stated that in one of the documents, the Aadhaar Card of Ram Kumar, who is one of the legal heirs, the father's name is mentioned as Kalyani and not as Ooli Gounder.

With reference to the same, upon perusal of the various documents produced in the typed set of papers, it is clear that Kalyani and Ooli Gounder are one and the same person. Therefore, the petitioner and all other parties to the document shall file an affidavit of undertaking stating that Kalyani and Ooli Gounder are one and the same person and that he is known by both names. Upon such filing of the affidavit, the said defect can be overcome.

(ii) Secondly, the document has been refused registration on the ground that the death certificates and legal heirship certificates of Mooka Gounder and Chinnammal have not been produced.



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No doubt, in normal circumstances, the death certificate and legal heirship certificate can be insisted upon. However, in the present case, the patta stood in the joint names of the said persons. Earlier, when proceedings were initiated for mutation of patta, the Tahsildar had already conducted an enquiry with reference to the death and legal heirship and passed an order mutating the patta in the name of the wife of Kalyani alias Ooli Gounder, namely Lakshmi and her children. In view thereof, when the death certificate and legal heirship certificate of Kalyani alias Ooli Gounder are produced, at this belated stage, the death certificate and legal heirship certificate of the previous generation need not be insisted upon.

4. For the aforesaid reasons, this Writ Petition is allowed on the following terms:

- i. The impugned refusal check slip shall stand set aside and the matter is remanded back to the file of the third respondent.
- ii. The petitioner shall re-present the document along with an affidavit of undertaking signed by all parties to the document stating that Kalyani and Ooli Gounder are one and the same person and that he is known by the said alias name.



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iii. Upon filing of such affidavit, if the partition deed, if is

WEB COPY otherwise in order, shall be registered.

iv. No costs.

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Neutral Citation : Yes / No

To

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