



W.P.(MD) No.8769 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.8769 of 2026

1.Rajagopal

2.Sagunthala

... Petitioners

Vs.

1.The District Registrar,
District Collectorate Complex,
Thanthonimalai,
Karur Taluk, Karur District.

2.The Sub Registrar,
Aravakurichi Sub Registrar Office,
Aravakurichi, Karur 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 relating to the impugned refusal check slip issued by the second respondent in Refusal No.RFL/Aravakurichi/3/2026 dated 09.01.2026 and quash the same as illegal and consequently direct the second respondent to register the petitioners' Document in Partition Deed dated 09.01.2026 in respect of S.F.No.510, Aravakurichi Village, Aravakurichi Taluk, Karur District, within the time stipulated by this Court.



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For Petitioners : Mr.K.Balasubramanian
Senior Counsel
for M/s.KBS Law Office

For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

This Writ Petition is filed challenging the impugned refusal check slip dated 19.01.2026 and also seeking a consequential direction to the second respondent to register the Partition Deed presented by the petitioners in respect of the property in S.F.No.510, Aravakurichi Village, Aravakurichi Taluk, Karur District.

2. Upon hearing the learned Senior Counsel for the petitioners and upon perusing the material records of the case, it is seen that when the petitioners, claiming ownership of the property, presented the partition deed for registration, the same was refused to be registered on the ground that there are endorsements of mortgages pertaining to the years 1906, 1909, 1913, 1916, 1917 and 1941.

3. The learned Senior Counsel appearing on behalf of the petitioners would submit that the mere presence of endorsements of



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mortgage will not divest the petitioners of their title. Any transfer of ownership would always be subject to the claim, if any, made by the mortgagee. In the present case, the mortgages pertain to a period from 75 to 125 years ago and have since been discharged. However, the petitioners are unable to trace the discharge receipts or the records explaining why such entries continue to subsist.

4. Per contra, the learned Special Government Pleader appearing on behalf of the respondents would submit that since entries of mortgages exist with reference to the petitioners' property, the impugned refusal check slip has been issued.

5. I have considered the rival submissions made on either side and perused material records of the case.

6. This Court has taken into account the dates of the mortgage deeds, the latest being of the year 1951 and the earliest of the year 1906. As rightly contended by the learned Senior Counsel for the petitioners, in the absence of any rival claim by the mortgagee, it would be impossible, at this juncture, for the petitioners to produce such details as receipts,



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especially considering the antiquity of the mortgages in question. In any event, the mere existence of mortgage entries will not disentitle the petitioners from presenting the document, if they otherwise have title.

7. In view thereof, this Writ Petition is allowed on the following terms:

- i. The impugned refusal check slip dated 09.01.2026 is set aside.
- ii. The petitioners shall re-present the said document within a period of two weeks from the date of receipt of a web copy of this order, without waiting for the certified copy.
- iii. Upon such re-presentation, the document shall be registered, if there is no other impediment.
- iv. No costs.

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JEN
Neutral Citation : No

To

1. The District Registrar,
District Collectorate Complex,
Thanthonimalai,
Karur Taluk, Karur District.



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2.The Sub Registrar,
Aravakurichi Sub Registrar Office,
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WEB COPY



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D.BHARATHA CHAKRAVARTHY, J.

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