

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.09.2015

Coram

THE HON'BLE Mr.JUSTICE M.M.SUNDRESH

W.P.No.2790 of 2015 &
M.P.No.1 of 2015

E.Thirugnanasambandam

[PETITIONER]

Vs

1 The District Registrar
Namakkal District at Namakkal.

2 The Sub-Registrar
Kumarapalayam, Namakkal District.

[RESPONDENTS]

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of certioirarified Mandamus, to Call for the records relating to the Impugned Check Slip dated 31.12.2014 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to register the Sale Deed dated 26.12.2014 presented by the petitioner in respect of the lands comprised in Town Survey No.97 Ward.C Block No.8 Paimash No.122 and 122A situated at Agraharam Village Kumarapalayam Thiruchengodu Taluk Namakkal District measuring to an extent of 2145 Sq. meters or about 0.53 cents and assign permanent document number for the Sale Deed within the time fixed by this Court.

For petitioner .. Mr.K.Premkumar

For Respondents .. Mr.S.Pattabiraman
Govt. Advocate

O R D E R

The petitioner is said to have purchased the property by way of unregistered sale deed dated 26.12.2014. When the sale deed was presented for registration, it was returned by stating that the petitioner has not produced any documents showing the title of the vendor, supported by the Revenue documents. Challenging the same, the petitioner has the come forward with the present Writ Petition.

2.The learned counsel for the petitioner submitted that there was a decree way back in 1973 in O.S.No.607 of 1969 on the file of District Munsif Court, Sankari at Salem, filed for a declaration and

permanent injunction. The said decree has been passed at the instance of the petitioner's vendor. Though the Suit was dismissed, it was reversed in the First Appeal in A.S.No.82 of 1974 and challenging the reversal Judgment in the First Appeal, 3rd and 5th defendants in the Suit, preferred Second Appeal before this Court in S.A.No.2054 of 1975 and the said Second Appeal was dismissed on 28.11.1977. Therefore, the learned counsel submitted that the order impugned cannot be sustained in the eye of law.

3.It is well settled in law that the second respondent being a registered authority cannot go into the title as the petitioner's vendor has obtained a decree, which has become final as against the defendants/appellants therein. Therefore, the impugned order cannot be sustained. The Revenue documents can only be used for the purpose of supporting the main documents and in this case, the petitioner did produce the patta.

4.Thus, the Writ Petition is allowed and the order impugned in this writ petition is set aside. The second respondent is directed to register the documents to be presented by the petitioner and do the needful, subject to the compliance of the other conditions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rpa

To

1 The District Registrar
Namakkal District at Namakkal.

2 The Sub-Registrar
Kumarapalayam, Namakkal District.

+1 cc to M/s.K.Premkumar, Advocate, sr.48873

+1 cc to The Government Pleader, sr.48948

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