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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM

THE HON'BLE Mr.JUSTICE G.K.ILANTHIRAIYAN

WP.No.21037 of 2014 and

MP.No.1 of 2014

K.P.Pandiyan

... Petitioner

Vs

1. The Joint 1 Sub-Registrar,
Kallakurichi, Villupuram District
2. The District Registrar,
Kallakurichi
3. Shenbagam (deceased)
Viruthambal (deceased)
Kumudha
4. Sampath kumar
5. Vijayasarithi
6. Meenatchi
7. Bhuvaneswari
8. Abirami
9. Shakthi
10. Janani
11. Mullaikodi
12. Murali
13. Rajeshwari
14. Gurunathan
15. Karunanithi
16. Boopathy
(R3 to 16 LR's of deceased Shenbagam)
17. Sivagamisundari
18. Somasundram
19. Thilagavathi
(R17 to 19 are LR's of
deceased Viruthambal)
20. Murugan
21. Shankar
(R3 to 21 impleaded vide order dated
30.04.2021 made in WMP.No.11795
of 2021 in WP.No.21037 of 2014)

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified



mandamus calling for the records on the file of the first respondent dated 03.07.2020 and quash the same as illegal, unconstitutional and irregular and further direct the first respondent to register the document and return the document in P201300021 (Book No.1) presented on 24.10.2013 to the petitioner herein.

(Prayer amended vide order dated 10.12.2020 made in WMP.No.17989 of 2020 in WP.No.21037 of 2014)

For Petitioner : Mr.V.Raghavachari
For Respondents :
For R1 & 2 : Mr.Richardson Wilson,
Government Advocate

For R3 to 21 : notice served

ORDER

This Writ Petition is filed to issue a writ of certiorarified mandamus calling for the records on the file of the first respondent dated 03.07.2020 and quash the same as illegal, unconstitutional and irregular and further direct the first respondent to register the document and return the document in P201300021 (Book No.1) presented on 24.10.2013 to the petitioner herein.

2. The petitioner initially prayed in the writ petition for mandamus directing the first respondent to register and return the document in P201300021 (Book No.1) presented on 24.10.2013 to the petitioner herein. While pending the writ petition, the first respondent passed order dated 03.07.2020 and rejected the document which was presented by the petitioner for registration.

3. It is seen from the impugned order that the vendors filed suit in OS.No.111 of 2008 for partition as against their brother one, Ganesan. On the strength of the suit averments, they executed sale deed in favour of the petitioner and the same was presented for registration. Thereafter, the said suit was withdrawn as not pressed by the petitioner's vendors. Therefore, the first respondent rightly refused to register the document for the reason that the vendors failed to prove their title over the property by producing patta and relevant documents. Therefore, this Court finds no merits in the writ petition.

4. Accordingly, this writ petition is dismissed. However, as against the order passed by the first respondent, there is appeal remedy as contemplated under Section 72 of the Registration Act, 1908. The petitioner is at liberty to file appeal against the order passed by the first respondent within a period of two weeks from the date of receipt of copy of this order. It is made clear that the period of pendency of the writ



petition may exclude while calculating the period of limitation to file appeal. Consequently, connected miscellaneous petition is closed. No order as to costs.

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s/d
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Joint 1 Sub-Registrar,
Kallakurichi, Villupuram District
2. The District Registrar,
Kallakurichi

+lcc to Government Pleader, SR.No.38858

WP.No.21037 of 2014

PCH(CO)
PM(01/09/2021)