



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.17839 of 2021

R.Andisamy

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Periakulam,
Theni District.

2.The Sub-Registrar,
Registration Department,
Theni,
Theni District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to register the sale deed dated 21.09.2021 presented on 21.09.2021 in respect of the land admeasuring 4 cents on the south western portion out of the total extent of 0.48.5 Ares of lands in Survey Nos.1400/1B, 1400/1C, 1400/1D, 1400/1E and 1400/1F situated at Vadaveeranayakanpatti Village, Periakulam Taluk, Theni District within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction to the second respondent to register a sale deed dated 21.09.2021 in respect of the land measuring four cents on the South Western portion of the larger extent of 0.48.5 Ares in Survey Nos.1400/1B,1400/1C, 1400/1D, 1400/1E and 1400/1F at Vadaveeranayakanpatti, Periakulam Taluk, Theni District.

2.The petitioner traces title to the above mentioned property through a Will executed by one Sivasamy Chettiyar in favour of Ramesh Babu as regards 50% share in the property. Pursuant to the said Will, it is stated that the property passed several hands. Eventually, five persons, namely, Ahamed Bashir, Abdul Rasak, Amir, Abbaskhan, and Padmapriya became the owners of the property. They executed a sale deed on 21.09.2021 in favour of the petitioner. The petitioner relies upon pattas issued to his vendors to support his



3.As regards O.S.No.65 of 2009, the petitioner relies upon the judgment and decree dated 18.12.2020 by which the said suit was dismissed. In any case, the petitioner points out that the said suit was filed by Ramesh Babu in respect of the half share bequeathed to the private defendants in the suit. As such, the petitioner contends that the said suit is completely irrelevant as regards the property dealt with in the sale deed presented by the petitioner for registration. For all these reasons, the petitioner states that the second respondent should favorably consider his request for registration.

4.The petitioner has enclosed the documents under which he traces title to the property. The patta in favour of his vendors and the judgment and decree in O.S.No.65 of 2009 are enclosed. From the facts set out in the affidavit and the documents submitted by the petitioner, it appears that the petitioner's contention that the civil suit was dismissed is correct. However, unless notice is given to the parties to the said civil suit, any subsequent proceedings and the current status cannot be correctly ascertained. It should also be noted that the petitioner has not assailed the refusal check slip by way of this writ petition. Instead, the petitioner seeks the consideration of his request for registration.

5.On the basis of documents submitted by the petitioner, the petitioner has made out a case for the consideration of his request for registration_albeit after putting the parties in O.S.No.65 of 2009 on notice.

6.Accordingly, W.P(MD) No.17839 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 21.09.2021 and dispose of the same by a reasoned order after putting the parties to O.S.No.65 of 2009 on notice. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Registrar,
Registration Department,
Periakulam,
Theni District.

2.The Sub-Registrar,
Registration Department,
Theni,
Theni District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-32542[F] dated
26/10/2021)

+1 CC to M/s.SPL.GP (SR-32577[F] dated 26/10/2021)

**W.P (MD) .No.17839 of 2021
25.10.2021**

KM(CO)

RS/JC (02.11.2021) 3P 5C