



WEB COPY

WP No.8664 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.8664 of 2023

N.Poongothai

... Petitioner

Vs.

1.The Sub Registrar (Joint-2),
Kaveripattinam,
Office of thhe Sub Registrar,
Palacode Road,
Near High School Lane,
Kaveripattinam,
Krishnagiri-635 112.

2.C.R.Kamini

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to the impugned Refusal Check Slip, RFL in Book 2/3, Joint-2, Sub Registrar, Krishnagiri, dated 08.02.2023 and quash the same and consequently direct the first respondent to register the



document in Katikana Palli village in Survey No.257/1A, extent 20.5 cents and in Survey No.258/2, extent Acre 0.20 cents, which was belong to late, Periyanna Gounder, presented by the petitioner for registration.

For Petitioner : Ms.M.Reena

For Respondent-1 : Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondent-2 : Mr.K.Narayanan

ORDER

The impugned Refusal Check Slip dated 08.02.2023 issued by the first respondent-Sub Registrar, is sought to be quashed in the present writ petition.

2. The petitioner states that the second respondent filed Partition Suit in OS No.38 of 2012 before the Principal District Munsif Court at Krishnagiri and described the plaint schedule properties are Joint Family headed by Chinasami Gounder and his three sons, namely, Periyanna Gounder, Ramalingam and Elaiyavan Pandia Gounder for claiming share 32/84, in Katikana Palli village for the extent of acre 0.60



cents, and many other properties as mentioned in the plaint. The subject matter of the present writ petition is Katikana Palli village for the extent of acre 0.60 cents only.

3. The Principal District Munsif Court, Krishnagiri passed preliminary decree on 09.03.2015 and allotted 28/72 shares, for over all properties including Katikana Palli village for the extent of acre 0.60 cents, as mentioned in the plaint in OS No.38 of 2012.

4. The second respondent filed IA No.255 of 2017 in OS No.38 of 2012 for appointment of an Advocate Commissioner and claiming equal shares in 72, instead of 28/72 shares. The said IA is pending.

5. The IA No.255 of 2017 in OS No.38 of 2012 is pending for plaint schedule properties only including the Katikana Palli village for the extent of acre 0.60 cents. Meanwhile, the second respondent submitted Protection Petition before the first respondent not to register any Deeds relating to the plaint schedule properties and particularly about Katikana Palli village for the extent of acre 0.60 cents.



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6. The petitioner states that he has no objection for the second respondent's Protection Petition particularly about Katikana Palli village for the extent of acre 0.60 cents. However, the second respondent cannot claim other than 0.60 cents in Katikana Palli village. But the petitioner has proposed to sell her properties in Survey No.257/1A an extent of 20.5 cents and in Survey No.258/2 an extent of acre 0.20 cents.

7. The petitioner has stated that the Protection Petition No.77 of 2022 is not binding on the properties belonging to the petitioner in Survey No.257/1A an extent of 20.5 cents and in Survey No.258/2 an extent of 0.20 cents.

8. The grievance of the writ petitioner is that the Registering Authority has travelled beyond the scope of the Protection Petition submitted by the second respondent and issued impugned refusal order.



9. When the petitioner states that she has no objection for the Protection Petition submitted by the second respondent with reference to the property in Katikana Palli village, there may not be any objection for the purpose of registering the properties belonged to the petitioner in other Survey Numbers. However, the Sub Registrar has to verify the Survey Number and the details in the decree passed by the Civil Court and has to take decision accordingly.

10. In the present case, the distinction made by the petitioner has not been considered by the Registering Authority and the impugned refusal order has been passed merely based on the objection submitted by the second respondent.

11. That being the factum, the impugned order passed by the first respondent in proceedings RFL in Book 2/3, Joint-2, Sub Registrar, Krishnagiri, dated 08.02.2023 is quashed.



12. The first respondent-Sub Registrar is directed to verify the Survey Numbers and description of the properties in the Sale Deed presented by the writ petitioner for registration with reference to the decree of the Civil Court passed and accordingly take decision and if the Sale Deed presented by the writ petitioner is unconnected with the decree passed by the Civil Court, then the first respondent is bound to register the document by following the procedures as contemplated under the Act and the Rules in force. The said exercise is directed to be completed by the first respondent, within a period of four weeks from the date of receipt of a copy of this order.

13. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs.

22-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To



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