



W.P.No.29329 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29329 of 2023

G.Ravi
represented by his power agent
S.Ramesh Kumar

... Petitioner

versus

1.The Sub Registrar,
The Sub Registration Office,
Pozhichalur, Chennai - 600 074.

2.Vairamuthu

3.Arulmigu Ranganatha Perumal Thirukoil,
Represented by its Executive Officer,
Thiruneermalai, Chennai - 600 064.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to accept and register the Sale Deed dated 05.09.2023 executed by the petitioner through his Power Agent S.Ramesh Kumar in favour of the second respondent in respect of the petition property being Grama Natham House site comprised in Old S.No.210/2 and as per Natham Patta new S.No.362/33 admeasuring 923

Pg.Nos.1/7



W.P.No.29329 of 2023

sq.ft together with RCC Building constructed thereon bearing Door No.8/332, Pillayar Koil Street, Pozhichalur Village, Chennai - 600 064 situated in Pallavaram Taluk and Chengalpattu District if the same is otherwise in order and subject to if any other legal compliances.

For Petitioner : Mr.E.Prabu

For Respondents : Mr.P.Gurunathan
Additional Government Pleader for R1
Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR& CE)
for R3

ORDER

The petitioner seeks for a mandamus directing the first respondent to accept and register the Sale Deed dated 05.09.2023 executed by the petitioner through his Power Agent S.Ramesh Kumar in favour of the second respondent in respect of the petition property being Grama Natham House site comprised in Old S.No.210/2 and as per Natham Patta new S.No.362/33 admeasuring 923 sq.ft together with RCC Building constructed thereon bearing Door No.8/332, Pillayar Koil Street, Pozhichalur Village, Chennai - 600 064 situated in Pallavaram Taluk and Chengalpattu District,



W.P.No.29329 of 2023

if the same is otherwise in order and subject to if any other legal compliances.

2. According to the petitioner, originally the Grama Natham House site comprised in Old S.No.210/2, admeasuring an extent of 6778 sq.ft, in No.86, Pozhichalur Village, Chennai – 600 064 belonged one Kamalam and Dhakshayani, who are the mother and step mother of the petitioner. During their life time, they jointly executed a registered Will dated 26.10.2005, whereby, bequeathed a larger extent of the said property in favour of their nine children. After the death of Kamalam and Dhakshayani, the property devolved on their children. While so, 'A' schedule property in the Will, which is described as subject property was allotted to the petitioner and that he is in peaceful possession and enjoyment of the petition property and he had also constructed a RCC Building after obtaining necessary building plan from competent authority. The petitioner decided to sale the petition property to the second respondent for a sale consideration of Rs.28.50 lakhs through his power agent and also executed a sale deed dated 05.09.2023 in favour of the second respondent. While so,



W.P.No.29329 of 2023

the petitioner presented the document before the first respondent for registration, however, the first respondent refused to register the document on citing the alleged letter dated 05.06.2020 addressed by the third respondent to the first respondent, wherein and whereby the third respondent raised an objection that the subject property belongs to third respondent temple. However, neither any document nor any Revenue records standing in the name of the third respondent Temple. Hence, the first respondent has no authority to refuse to register the document.

3. The learned counsel for the petitioner submitted that the third respondent Temple has no right or title over the subject property. The subject property are Natham promboke. The petitioner and others inherited the said properties by way of Will. As such the petitioner is in possession and enjoyment of the property and also constructed the building after obtaining necessary permission from the authority concerned. Therefore, the Registrar ought not to have refused to register the document.

4. The learned counsel for the respondents submitted that in



W.P.No.29329 of 2023

similar writ petition, this Court has given a direction to the parties to approach the Civil Court to work out their remedy.

5. Heard both sides and perused the materials available on record.

6. Having regard to the submissions made by the learned counsel on either side, since the issue involved in this writ petition is purely civil in nature, the petitioner is at liberty to work out of his remedy in the manner known to law.

7. In the aforesaid liberty, this Writ Petition is dismissed. There shall be no order as to costs.

10.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

Pg.Nos.5/7



WEB COPY



W.P.No.29329 of 2023

To

The Sub Registrar,
The Sub Registration Office,
Pozhichalur, Chennai - 600 074.

Pg.Nos.6/7



WEB COPY



W.P.No.29329 of 2023

P.VELMURUGAN, J.

ms

W.P.No.29329 of 2023

10.10.2023

Pg.Nos.7/7