



W.P.No.32779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.11.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32779 of 2023
and
W.M.P.No.32405 and 32406 of 2023
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1. Jeganathan, S/o Maathan
2. Shamugam, S/o Marappagounder
3. Baskar, S/o Shanmugam

.. Petitioners

Vs.

The Sub-Registrar,
Perundurai Sub Registrar Office,
Erode District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to quash the impugned refusal check slip, dated 18.03.2023 in RFL/Perundurai/19/2023, and consequently direct the respondent to register the sale deed dated 03.02.2023 without insisting for production of separate patta.

For petitioner : Mr.R.Prabakar

For respondents: Mr.Yogesh Kannadasan, Spl.G.P.

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ORDER

This Writ Petition is filed challenging the refusal check slip holding that the vendor does not have separate Patta in respect of the property in question, and what is produced before the respondent is only joint-Patta and hence the respondent-Sub-Registrar has directed the petitioners to obtain separate Patta, after making the sub-division of the property.

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

3. Learned counsel for the petitioners submitted that the petitioners 2 and 3 are the owners of the subject property and they offered to sell the property in question and the first petitioner agreed to purchase the same. Hence, sale deed dated 03.02.2023 was executed by the petitioners 2 and 3 in favour of the first petitioner. The sale deed was presented for registration, after complying with all formalities. However, the sale deed was refused to be registered on the ground that separate Patta had to be

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produced and objection has been raised for registration. Hence, the petitioners have filed the present Writ Petition for the relief stated supra.

4. This Court also heard the learned Special Government Pleader appearing for the respondent on the factual/legal aspects of the case.

5. Upon hearing learned counsel on both sides and on a perusal of the facts and circumstances of the case and also the records annexed in the typed set of papers, this Court does not find any erroneous view taken by the respondent while passing the impugned order, coupled with the fact that there is no illegality or infirmity in the impugned order passed by the respondent.

6. Thus, this Court does not find any reason to quash/set-aside the impugned order passed by the respondent. Hence, this Writ Petition is dismissed in the admission stage itself. There shall be no order as to costs.



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7. However, the petitioners are at liberty to present the document in question after obtaining separate Patta, that too, after sub-division of the property in question.

8. W.M.P.No.32405 of 2023 is ordered on payment of separate Court fee by each of the three petitioners.

9. W.M.P.No.32406 of 2023 is closed.

10. There shall be no order as costs.

21.11.2023

CS

To

The Sub-Registrar,
Perunduari Sub-Registrar Office,
Erode District.



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