



W.P.(MD) No.741 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.03.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.741 of 2020

P.Chinnathambi

.. Petitioner

Vs.

1.The Sub Registrar,  
Sub Registrar Office,  
Illuppur, Illuppur Taluk,  
Pudukkottai District.

2.The Joint Receivers,  
Kalaimagal Saba,  
No.17, Old No.48,  
North Ushman Road,  
T.Nagar, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in R.FL.Illuppur No.56/2019 dated 13.12.2019 and quash the same as arbitrary and illegal and consequently direct the first respondent to register the sale deed executed by the petitioner on 13.12.2019 and presented for registration on 13.12.2019 in respect of in S.F.No.226/3 with an extent of 1 acre 21 cents of Kattakudi Village, Illuppur Taluk, Pudukkottai District.



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For Petitioner : Mr.R.Paranjothi  
For R1 : Mr.M.Prakash  
Additional Government Pleader  
For R2 : Mr.I.Abrar Md. Abdullah

### **ORDER**

The petitioner has filed this writ petition for the following relief:

*“For the issue of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in R.FL.Illuppur No.56/2019 dated 13.12.2019 and quash the same as arbitrary and illegal and consequently direct the first respondent to register the sale deed executed by the petitioner on 13.12.2019 and presented for registration on 13.12.2019 in respect of in S.F.No.226/3 with an extent of 1 acre 21 cents of Kattakudi Village, Illuppur Taluk, Pudukkottai District.”*

2. It is the case of the petitioner that an extent of 1 acre and 28 cents comprised in S.F.No.226/3 of Kattakudi Village, Illuppur Taluk, Pudukkottai District originally belonged to one Pappammal. Pappammal



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was enjoying the same with absolute right and died in the year 1997 leaving behind surviving her daughter viz., Jeya as a only legal heir. The said Jeya along with her husband Narayanan had executed a registered sale deed in respect of S.F.Nos.226/1 and 226/3 in favour of the petitioner under a sale deed dated 10.03.2005 and the petitioner has been put in possession of the same. It appears that the second respondent had attempted to interfere with the petitioner's possession of the property constraining him to file a suit in O.S.No.94 of 2006 against the General Manager, Kalaimagal Saba and other persons including the Special Officer of the Kalaimagal Saba. By judgment and decree dated 30.01.2008, the District Munsif Court, Keeranur had declared the petitioner's title to the property and also granted an injunction.

3. While so, the petitioner had decided to sell the property comprised in S.F.No.226/3 for his family expenses and he and the purchaser Kathamuthu entered into a registered sale deed dated 13.12.2019. When the purchaser had presented the paper for registration on 13.12.2019, the first respondent declined to register the same stating



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that No Objection had to be obtained from the second respondent in view of the order in W.P.(MD) No.514 of 1999 and also as per the order of the Inspector General of Registration. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. The facts would show that the petitioner herein had filed a suit against the second respondent (who was the fourth defendant) for declaration of his title and for injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the same. Despite protection of this decree, the first respondent has demanded the issue of No Objection Certificate on the basis of the proceedings in W.P.(MD) No.514 of 1999.

6. The petitioner has provided the decree of the civil Court which has been passed after notice had been served on the said Kalaimagal Saba, who chose to remain *exparte* and although the decree had been



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passed in the year 2008, no steps whatsoever had been taken to have the same set aside. Thus, this Court is inclined to allow this writ petition.

7. It is also informed that the purchaser is no more. Therefore, while allowing the writ petition and setting aside the impugned order, the petitioner is directed to execute a fresh sale deed in favour of the legal heirs of the deceased purchaser and on such execution, the same shall be presented before the first respondent, who shall register the same within a period of three weeks from the date on which it was presented. If however in the interregnum, any documents are produced to show the title of Kalaimagal Saba to the property, then the Registering Officer while refusing to register the same shall pass a speaking order giving details of the document based upon which decision has been taken. No costs.

**30.03.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes

abr



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**P.T.ASHA, J.**

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To

The Sub Registrar,  
Sub Registrar Office,  
Illupuur, Illuppur Taluk,  
Pudukkottai District.

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**Dated: 30.03.2023**