



W.P.(MD) Nos.9295, 9299 and 9310 of 2020.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.9295, 9299 and 9310 of 2020

and

W.M.P.(MD) Nos.8466, 8469, 8479 of 2020

and 3754, 3756 and 3758 of 2021

W.P.(MD) No.9295 of 2020

K.Tamilmul Ansari

.. Petitioner
in all W.Ps.

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai.

2.The Sub Registrar,
Tiruvidaimarudur Taluk,
Kumbakonam, Thanjavur District.

.. Respondents
in all W.Ps.

Prayer in all W.Ps.: Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned proceedings by way of Refusal Check Slip-Refusal

Nos.RFL/திருவிடைமருதூர்/6/2020,



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RFL/திருவிடைமருதூர்/7/2020 and RFL/திருவிடைமருதூர்/8/2020 dated 18.02.2020 respectively on the file of the 2nd respondent and quash the same as illegal, incompetent and arbitrary and consequently direct the 2nd respondent to register the sale deeds subject matter of the impugned proceeding within a stipulated time and return the original documents.

In all W.Ps.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.C.Satheesh
Government Advocate

COMMON ORDER

These writ petitions have been filed for a certiorarified mandamus to quash the refusal check slips dated 18.02.2020 and consequently direct the second respondent to register the sale deeds and return the original documents.

2. The petitioner had obtained sale deeds from one Raman, son of N.Rajagopal on 22.11.2019 in respect of the properties situate in S.Nos.47/8, 47/2B, 47/2B2, 46/3, 46/6, 47/9, 46/4A, 46/4C, 46/4D, 46/5A1, 46/5A2 and 46/5A3, Srinivasanallur Village, Kumbakonam Taluk. The documents were presented for registration on 18.02.2020



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before the Sub Registrar, Thiruvidaimarudur/the second respondent herein. The second respondent refused to register the same on two grounds viz., (a) that the parent documents have not been produced; and (b) that the patta does not reflect the vendor's names.

3. The petitioner would submit that his vendor Raman had inherited the property from his father N.Rajagopalan to whom the properties have been allotted under family partition dated 28.03.1995 and 15.10.1959. The documents were registered as Document Nos.669/1955 and 2624/1959 on the file of the second respondent himself. The original documents have been lost, since there are several sharers and the petitioner's vendor was not the only sharer of the properties. However, certified copies of the documents were made available. The said N.Rajagopalan died on 10.11.1983 leaving behind the petitioner's vendor Raman and his mother Mythili. Mythili passed away on 20.10.1997 and thereafter, the petitioner's vendor had become the exclusive owner of the property and being the absolute owner, he has alienated the property to the petitioner and others.



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4. The petitioner's vendor is not a resident of the village and taking advantage of his absence, third parties have tried to create revenue records in their favour without holding any title to the property. In fact, it is the case of the petitioner that after the documents were returned without registration on 18.02.2020, he had once again attempted to register them and the second respondent took time stating that he had to get a legal opinion. Meanwhile, due to pandemic, no action was being taken on the same. Therefore, the petitioner has moved this Court for the aforesaid relief.

5. Heard the learned counsel on either side.

6. It has been time and again held that the Registering Authority cannot decide on title. Further, a revenue record, viz., a patta, is not proof of title.

7. From the counter filed by the second respondent, it appears that the reason for not registering the said documents is because the original



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partition deeds have not been produced. Even according to the petitioner, the property in question had been sold to M/s.Ponnappan Trades and Agencies Pvt. Ltd., as early as in the year 1959.

8. A perusal of the sale deeds which have been submitted for registration would clearly show that the property had been partitioned under partition deeds dated 28.03.1955 and 15.10.1959. These documents have been registered as Document Nos.669/1995 and 2624/1999. In the partition, these properties have fallen to the share of N.Rajagopalan and on his demise, the property devolved on his wife Mythili and son Raman. After the demise of N.Rajagopalan, both Mythili and Raman had sold a portion of the property to M/s.Ponnappan Trades and Agencies Pvt. Ltd., on 20.10.1959. Therefore, it is clearly evident that the vendor of the petitioner has only got some portion of the property including the property that is now subject matter of the sale deeds and he has been enjoying the same. Except for the sale in favour of M/s.Ponnappan Trades and Agencies Pvt. Ltd., he continue to retain the other properties and had decided to sell only this portion to the



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petitioner. Therefore, since the petitioner was purchasing only a portion of the property, the original partition deeds will not be handed over to the petitioner. The petitioner has produced xerox copies of the same and further, an earlier document in favour of M/s.Ponnappan Trades and Agencies Pvt. Ltd., has also been produced by the petitioner's vendors. Therefore, the query now raised appears to be an attempt to drag on the registration. Therefore, these writ petitions are allowed and the impugned refusal check slips bearing Refusal Nos.RFL/திருவிடைமருதூர்/6/2020, RFL/திருவிடைமருதூர்/7/2020 and RFL/திருவிடைமருதூர்/8/2020 dated 18.02.2020 are quashed. The petitioner is directed to re-submit the original sale deeds with all relevant documents and the second respondent shall consider and register the same within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

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



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