



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.11735 of 2021

and

WMP(MD)Nos.9222, 9223 & 9225 of 2021

1.S.Backithammal @ Backiyam

2.S.Thangavel

3.S.Sekar

4.S.Viswanathan

5.V.Krishnamoorthy

6.A.Sivakumar

... Petitioners

Vs.

1.The Sub Registrar,
Kulithalai,
Karur District.

2.The District Registrar (Admin),
Registration Department,
Karur, Karur District.

3.Rathinam Ammal

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for records relating to the proceedings of the second respondent made in Na.Ka.No. 3218/A1/2020 dated 31.12.2020 and quash the same and consequently direct the first respondent to register the sale deed received under Temporary No.TP/49459523/2018 executed by the petitioners 1 to 5 in favour of the six petitioner.

For Petitioner : Mr.K.Govindarajan for Mr.R.Murali

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2

Mr.A.Arul Jenifer for R3

ORDER

Heard the learned counsel on either side.

2.The petitioners 1 to 5 executed the petition mentioned sale deed in favour of the sixth petitioner. It was presented for registration. The registering authority declined to register the document on the ground that the third respondent had already executed a settlement deed in favour of her husband and that the same has already been registered. Challenging the stand of the registering authority, the petitioners moved the second respondent. The second



respondent also confirmed the stand taken by the registering authority.

Questioning the same, this writ petition has been filed.

3.It is true that both the parties have filed suits against each other. O.S No.196 of 2017 has been filed by the first petitioner and the fifth petitioner on the file of District Munsif Court, Kulithalai seeking the relief of permanent injunction. The third respondent herein has filed O.S No.111 of 2018 on the file of the Sub Court, Kulithalai seeking the relief of declaration and permanent injunction.

4.I went through the contents of the plaint filed by the third respondent. I wanted to know from the learned counsel for the third respondent as to how the third respondent is tracing title. His stand is that by virtue of permanent tenancy, she is claiming title. I do not go into the rival contentions. The only question that calls for consideration is whether the authority was justified in declining to register the petition mentioned sale deed. It is pointed out by the learned counsel for the third respondent that patta was in her favour but the same was set aside at the instance of the petitioner by the Commissioner of Land Administration on 16.10.2018 and that the order cancelling the patta in favour of the third respondent has been questioned. On the other hand, the first



petitioner claims that the property is their ancestral property and that it was settled by her father Chinnapillai in the year 1970. In any event, directing the registering authority to release the petition mentioned sale deed to the sixth petitioner will not in any way enhance the rights of the sixth petitioner. The rights of the parties will abide by the outcome of the civil suits. No observation made in this order will strengthen the hands of the petitioners or weaken the hands of the third respondent.

5. In this view of the matter, the order impugned in this writ petition is set aside. The petitioners are permitted to re-present the document before the first respondent. The first respondent shall register the document in question and release it subject to the fulfilment of the other usual formalities. This writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

01.03.2023

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

To

1. The Sub Registrar, Kulithalai, Karur District.
2. The District Registrar (Admin), Registration Department, Karur, Karur District.



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G.R.SWAMINATHAN, J.

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