



W.P.(MD)No.11937 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11937 of 2021

and

W.M.P.(MD)No.9370 of 2021

M.Francis

... Petitioner

vs.

1.The District Registrar,
Department of Registration,
Tirunelveli, Tirunelveli District.

2.The Sub Registrar,
Kangaikondan Registration,
Registration Department,
Kangaikondan, Tirunelveli District.

3.Draupathy Navaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the 2nd respondent Refusal Check Slip dated 31.07.2020 under Refusal Number RFL/Reference KangaiKondan/16/2020 and quash the same and consequential direct the 2nd respondent to register the document in respect of the property bearing Survey Number 147 measuring to an extent of 3 Acres and 22 Cents in which undivided share of Acre 1 and



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Cents 61 in favour of the Petitioner forthwith.

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For Petitioner :Mr.S.Palani Velayutham

For R1 and R2 :Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the second respondent dated 31.07.2020 and for a consequential direction to the second respondent to entertain the document and to register the same within the time frame fixed by this Court.

2.Heard Mr.S.Palani Velayutham, learned Counsel appearing on behalf of the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

3.The sale deed, that was presented for registration before the second respondent was refused to be registered on the ground that already the subject property has been dealt with in Doc.No.277 of 2014.



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4. According to the learned Counsel for the petitioner, the said registration was done based on the patta issued in favour of the concerned person, who did not have any right or title over the property.

5. In the considered view of this court, the subject property has already been dealt with through a registered document. This document is alive and the registration is also reflected in the encumbrance. Therefore, the registering authority cannot entertain one more document for the same property.

6. It will be left open to the petitioner to challenge the document that was registered as Doc.No.277/2014 in accordance with law. If, ultimately, this document is cancelled, it will always be open to the petitioner to deal with the property by submitting the document for registration before the registering authority.



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7.This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

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

15.12.2023

cmr

To

1.The District Registrar,
Department of Registration,
Tirunelveli, Tirunelveli District.

2.The Sub Registrar,
Kangaikondan Registration,
Registration Department,
Kangaikondan, Tirunelveli District.



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N.ANAND VENKATESH, J.

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