



W.P.(MD)No.17426 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17426 of 2020

and

W.M.P.(MD)No.14571 of 2020

K.Ulaganathan

... Petitioner

-VS-

The Sub Registrar,
Murappanadu,
Srivaikuntam Taluk,
Palayamkottai Registration District,
Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records related to the impugned encumbrance registered in Doc.No.324 of 2020, dated 18.02.2020, on the file of the respondent and the refusal check slip, dated 22.10.2020, issued by the respondent, quash the same and consequently, direct the respondent to register the sale deed dated 31.08.2020, executed in favour of the Writ Petitioner in respect of the schedule mentioned property by P.R.Jothi Krishna.

For Petitioner : Mr.N.Dilipkumar

For Respondent : Mr.B.Saravanan
Additional Government Pleader



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ORDER

The subject matter of challenge in the present Writ Petition pertains to the impugned refusal check slip issued by the respondent, dated 22.10.2020, refusing to register the sale deed, dated 31.08.2020, by citing the judgment passed in S.A.(MD)No.1438 of 2003, dated 27.01.2020.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondent.

3. The petitioner wanted to purchase the property in Survey No.25/1F2, measuring an extent of 27 cents, bearing Patta No.52 [New Patta No.125] from one P.R.Jothi Krishna. When the sale deed was executed and it was presented for registration before the respondent, the impugned refusal check slip came to be issued on the ground that a judgment has been passed in S.A. (MD)No.1438 of 2003 and hence, the document cannot be registered. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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4. On carefully going through the materials, it is seen that the predecessor in interest of the petitioner was involved in a civil litigation and it pertained to three sub-divisions namely, Survey Nos.25/1E3, 25/1F1 and 25/1F2. Insofar as Survey No.25/1F2, it was consistently held by all the Courts that it belonged to one P.R.Dhanalakshmi Ammal, who is the predecessor in interest of the vendor of the petitioner. Even in the judgment passed in the Second Appeal on 27.01.2020, it has been categorically stated at Paragraph No.12 that insofar Survey No.25/1F2, it is a portion which belongs to the plaintiff, who was the predecessor in interest of the vendor of the petitioner. Hence, it is clear that the petitioner was only attempting to purchase this property from the vendor.

5. The learned Additional Government Pleader appearing on behalf of the respondent produced the written communication of the District Registrar (Admin), Palayamkottai, to the respondent, wherein it has been stated that the subject property has been wrongly entered and that necessary correction will be made. Hence, it is clear that even the Registration Office has realized that there is no restraint for dealing with the subject property.



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6. In the light of the above discussion, the impugned check slip, dated 22.10.2020, issued by the respondent is hereby set aside. There shall be a direction to the respondent to register the sale deed, dated 31.08.2020, if all the other requirements are satisfied and the document shall be released after registration.

7. In the result, this Writ Petition is allowed with the above directions.

No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

14.12.2023

To

The Sub Registrar,
Murappanadu,
Srivaikuntam Taluk,
Palayamkottai Registration District,
Thoothukudi District.



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N.ANAND VENKATESH, J.

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