



W.P(MD)No.19370 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.19370 of 2022
and WMP(MD)No.14140 of 2022

1. M.Selvam

2. S.Eswaran

... Petitioners

Vs

1. The District Registrar,
Theni Registration District, Theni.

2. The Sub Registrar,
Sub Registration Office, Thevaram,
Theni District.

3. The Tahsildar,
Uthamapalayam Taluk, Theni District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent, dated 06.04.2022 in Ni.A. No.77/2020 and to quash the same as illegal and consequently direct the second respondent to register the sale deed to be



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presented by the petitioners forthwith without insisting corlation Certificate and other documents to show the title of the subject property, situated in S. No.200/3, to the extent of 0.77.5 Hectares (1 Acre 92 Cents) situated at T. Meenakshipuram Village, Uthamapalayam Taluk, Theni District.

For Petitioners	:Mr. A.Mohan
For R1 and R2	:Mr.C.Satheesh Government Advocate
For R3	:Mr.J.Ashok Additional Government Pleader

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus, seeking interference with the order passed by the second respondent/Sub Registrar, Thevaram, Theni District, dated 06.04.2022, in Ni.A. No.77/2020 and consequently direct the second respondent to register the sale deed presented by the petitioner, without insisting on correlation Certificate and other documents to show the title of the property. The property involved is situated at S. No.200/3, measuring 0.77.5 Hectares (1 Acre 92 Cents), T. Meenakshipuram Village, Uthamapalayam Taluk, Theni District.



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2.In the affidavit filed in support of the writ petition, it had been stated that the aforementioned property was purchased by the father of the vendor AL.SP.PL.Thirunavukkarasu Chettiar from one Arunachalam Chettiar, by a registered sale deed, dated 30.06.1949, registered as Doc.No.1916/1949. The vendor of the purchaser was the adopted son of aforementioned AL.SP.PL.Thirunavukkarasu Chettiar.

3.It had been further stated that he could not identify the ancestral properties, since he was not aware of the same. The father of the vendor had appointed one P.Chellaiah to look after the property. It had come to the knowledge of the vendor of the petitioner that said P.Chellaiah had created encumbrance in the property, by way of entering into a partition with his family members in Doc.No.26/1981. The aforementioned property was allotted to the said P.Chellaiah and the same was described as 'B Schedule Property' in the partition deed. The said P.Chellaiah had also mutated patta in his name for the said lands and also mortgaged the said property on 05.12.1990 and made over to various persons and finally made over to one Selvarani and then in favour of the second petitioner herein. Under these circumstances, the petitioner had purchased the property.



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4. When the sale deed was presented for registration, the Sub Registrar has raised the issue of title of the property by mentioning that there was different name found in the revenue records and in the sale deed, dated 30.06.1949 and therefore, he wanted to produce the correlation certificate.

5. However the learned counsel for the petitioner stated that the Tahsildar may pass necessary orders in this regard. On perusing the said order, the Sub Registrar had refused to register the document.

6. It is also seen that the order of Sub-Registrar is an appealable order. However, the petitioner has not preferred any appeal. In order to determine the entire facts, it would only appropriate that the jurisdictional officers to examine the facts, since the writ Court is limited to examine these facts.

7. I would direct the petitioner to file an appeal, if the said appeal is filed on or before **10.05.2023**, the issue of limitation cannot be put against the petitioner herein. The Appellate Authority shall examine the explanation



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given by the petitioner, examine the order of the Tahsildar in this regard, thereafter, if satisfied pass necessary orders, in favour of the petitioner, if not satisfied pass orders with reasons. If the appeal is filed on or before **10.05.2023**, then an obligation is placed on the Appellate Authority to pass final order on or before **30.06.2023**.

8. With the above direction, this Writ Petition is stands disposed.

No costs. Consequently, connected miscellaneous petition is closed.

13.04.2023

NCS : Yes/No
Index : Yes/No
Internet: Yes/No

PNM

To

1. The District Registrar,
Theni Registration District, Theni.
2. The Sub Registrar,
Sub Registration Office, Thevaram,
Theni District.
3. The Tahsildar,
Uthamapalayam Taluk, Theni District.



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ORDER IN
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