



WP(MD)Nos.18429 & 18430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Reserved on : 14.12.2023
Pronounced on : 18.12.2023**

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)Nos.18429 & 18430 of 2023
and
WMP(MD)Nos.15300 & 15308 of 2023**

V.Ananthanayagi ...Petitioner in WP(MD)No.18429 of 2023

R.Rajammal ...Petitioner in WP(MD)No.18430 of 2023

Vs.

1.The District Registrar,
Registration, Trichy.

2.The Joint Sub Registrar No.I,
Cantonment, Trichy - 1.

3.M.Muthulakshmi

4.N.Meenal

5.Nalini Arulmozhi

6.L.S.Vadivel @ L.Senthilvadivel

7.L.Chidambaram @ Kittu

8.T.Sivagami



WP(MD)Nos.18429 & 18430 of 2023

9.M/s." AB Developers"

Rep.by its Partners Balashanmugam
and Ramachandran

having office at S.R.United Infra Private
Limited,
Alangudi Road, Pudukkottai Town &
District.

10.The Deputy Collector (Stamps),
First Floor, Old Collector Office,
Trichy.

... Respondents in both cases

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare the entire exercise of the respondents 1, 2 and 10 in receiving and registering the document in Doc No.4935 of 2023 in favour of the 9th respondent as illegal and void and consequently direct the second respondent to delete the entries made in the encumbrance certificate pursuant to the said document in respect of property in Old S No.282, New S No.276/3B, 276/3C and 376/3D in Ward AM, Block 31 in New T.S Nos.5, 6, 7/1 situated at Piratiyur (West) Village, Trichy West Taluk.

In both cases :

For Petitioners : Mr.R.Viduthalai, Senior Counsel
for Mr.J.Anandkumar

For Respondents: Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.M.Sidharthan
Additional Government Pleader
for R1, R2 and R10



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WP(MD)Nos.18429 & 18430 of 2023

Mr.S.R.Rajagopal, Senior Counsel
for Mr.M.Sriram for R3 to R7

Mr.J.Barathan for R9

COMMON ORDER

Heard both sides.

2.The writ petitioners want this Court to declare the process relating to registration of the petition-mentioned document as illegal and void. They also want this Court to delete the consequential entries made in the encumbrance register.

3.The writ petitions cannot be entertained. The petitioners herein have earlier filed WP(MD)Nos.25492 & 25493 of 2022 for restraining the registering authority from registering any document pertaining to the petition mentioned lands. Reliance was placed on their objections made on 05.08.2022. The writ petitions were dismissed by me on 26.06.2023 on the ground that till the writ petitioners get declaration of their title before the jurisdictional civil court, they cannot seek to restrain



WP(MD)Nos.18429 & 18430 of 2023

the registering authority from discharging the statutory functions. The learned Senior Counsel appearing for the petitioners would claim that the statutory functions have not been discharged in the statutory manner.

4. In support of this contention it is urged that when the patta included the names of the petitioners also, the registering authority could not have registered the sale deed at the instance of the private respondents. It is pointed out that even though the petitioners are also joint pattadhars, they are not parties to the sale deed. This argument is very attractive at the first blush. But on a deeper scrutiny it can be seen that the registering authority cannot be faulted at all. In fact, the Zonal Deputy Tahsildar should not have issued a joint patta by including the names of the writ petitioners also. I have held in WP(MD)Nos.18526 to 18528 of 2023 dated 18.12.2023 that the joint patta is not in consonance with the proceedings dated 07.10.2022 issued by the DRO, Trichy. It is true that the private respondents have acted with alacrity and speed. They cannot be blamed. It is not necessary that the private respondents should have waited for the writ petitioners to exhaust their appeal



WP(MD)Nos.18429 & 18430 of 2023

remedy. It is always open to the writ petitioners to file an appeal against the order dated 26.06.2023 passed by this Court dismissing the petitions filed by the writ petitioners herein. The rights of the parties will abide by the outcome of the said writ appeal if any filed. When the petitioners have lost in the earlier round of litigation, so long as the order dated 26.06.2023 passed by this Court in WP(MD)No.25492 of 2022 etc., and the order dated 26.06.2023 in WP(MD)No.24742 of 2022 etc., are holding good, any challenge to the consequential action taken by the registering authority cannot be entertained.

5.It was repeatedly urged that physical possession is with the writ petitioners and that they have also obtained interim order of status quo in their favour in the pending civil suits and that therefore, the registration process is illegal. I have already held that the fact that patta stands in the name of the contesting parties will not be decisive and that the jurisdictional civil court has to decide the issue of possession. I made such an observation only because the transactions relied on by the petitioners took place long back and that the deletion of their names in the revenue records took place now. The intervening period cannot



WP(MD)Nos.18429 & 18430 of 2023

be casually glossed over. It is for this reason, I relegated the parties to go before the jurisdictional civil court for deciding the issue of possession. It is well settled that even though a title holder may not have possession, he can still sell the property. Want of possession cannot and will not come in the way of effecting alienation. The executants of the sale deed might have made averments as if they are handing over possession of the land in favour of the purchasers. The basis of the said claim will be tested before the civil court. The writ court need not interfere at this stage.

6.The writ petitions are dismissed. No costs. Connected miscellaneous petitions are also dismissed.

18.12.2023

Index : Yes / No
Internet : Yes / No
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WP(MD)Nos.18429 & 18430 of 2023

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- To
- 1.The District Registrar,
Registration, Trichy.
 - 2.The Joint Sub Registrar No.I,
Cantonment, Trichy – 1.



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WP(MD)Nos.18429 & 18430 of 2023

G.R.SWAMINATHAN, J.

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