



WEB COPY

W.P. No.508 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.508 of 2024

Arathi @ Harathi

... Petitioner

Vs.

The Sub Registrar
Kelamangalam
Krishnagiri District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus directing the respondent to call for the records in Check Slip issued in Refusal No.RFL/Kelamangalam/43/2023 dated 04.09.2023 and quash the same and further direct the respondent to register the sale deed presented in TP/158761788/2023.

For Petitioner : Mr.S.C.Vishwanth

For Respondent : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

**ORDER**

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This Writ Petition is filed seeking a writ of certiorarified mandamus directing the respondent to call for the records in Check Slip issued in Refusal No.RFL/Kelamangalam/43/2023 dated 04.09.2023 and quash the same and further direct the respondent to register the sale deed presented in TP/158761788/2023.

2. The case of the petitioner is that the petitioner's grandfather namely Pilla Reddy is the original owner of the land in S.No.278 situated at Muduganapalli Village to an extent of Acre 1.49 cents. Subsequently, the petitioner's father executed an gift settlement deed in favour of the petitioner and his mother was appointed as a guardian since the petitioner was a minor at that time. Subsequently, the petitioner's grandfather unilaterally cancelled the said settlement deed and a new partition deed was entered into between the family members and in the said deed, the petitioner's grandfather retained the said land. Thereafter, the petitioner approached the competent Civil Court in O.S.No.117/2011 for the relief of declaration of title and permanent injunction which was decreed in favour of the petitioner and the same was also registered with the office of the respondent in Document No.8846 of 2023. Thereafter, based on the decree, the petitioner executed a sale deed in



favour of one Ella Reddy and when the petitioner presented the sale deed before the respondent, he refused to register the same and issued the refusal slip stating that the said settlement cancellation deed and partition deed were not cancelled. Hence, the present writ petition is filed.

3. Heard and perused the materials available on record.

4. The contention of the petitioner is that the rival claimants were also parties to the decree and based on the decree only, he executed the sale deed. However, the respondent has refused to register the same. However, the petitioner has not impleaded the said Pilla Reddy/his grandfather as a party to know as to whether he has filed any appeal challenging the decree or not and whether the said decree is the final one. Unless, the petitioner impleads his grandfather as a party to this petition, this Court cannot decide as to whether the impugned check slip issued by the respondent is perverse or not. The petitioner without impleading the rival claimant as a party to this petition, has simply challenged the refusal check slip which shows that the petitioner has not come to the Court with clean hands. This Court, behind the back of the defendant in the suit, cannot decide the issue.



5. Therefore, this Court is not inclined to entertain this Writ petition.

However, petitioner is at liberty to work out his remedy in the manner known to law.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

10.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

The Sub Registrar
Kelamangalam
Krishnagiri District

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P.VELMURUGAN. J.

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