



W.P.No. 1784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

**THE HON'BLE MR. JUSTICE P. VELMURUGAN**

W.P.No. 1784 of 2024

and

WMP.No. 1833 of 2024

1.Baktharatchagan  
2.Dhanasekaran  
3.Arivazhagan

..Petitioners

Versus

1.The Sub Registrar,  
Kadambuliyur  
Panruti Taluk  
Cuddalore District.

2.The District Registrar  
Cuddalore, Cuddalore Taluk  
Cuddalore District.

3.R.L. Jeyavenkataraman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 and 2 from registering any document presented to them for registration by the third respondent or his agents in respect of property bearing new S.No. 154/1 Ac.1.00 (now S.No. 154/1A1A) in Marungur Village, Panruti Taluk, Cuddalore District.



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For Petitioners : Mr. Gururaj  
  
For RR1 & 2 : Mr.R. Ramanlaal  
Additional Advocate General  
Assisted by Mr.Yogesh Kannadasan  
Special Government Pleader  
  
For R3 : Mr.Muthu Chharan Sundresh  
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### **ORDER**

This Writ Petition is filed for issuance of Writ of Mandamus to forbear the respondents 1 and 2 from registering any document presented to them for registration by the third respondent or his agents in respect of property bearing New Survey No.154/1 Ac.1.00 (Now Survey No. 154/1A1A) in Marungur Village, Panruti Taluk, Cuddalore District.

2. The case of the petitioners is that the family of Krishnan had purchased the property measuring an extent of Ac.6.97 in New Survey No. 154 under various sale deeds. Mrs.Anjalatchi was entitled, measuring an extent of only Ac.2.00 and an extent of Ac.6.50 was settled in favour of her only daughter Anbukkarasi. Mrs.Anjalatchi did not have any subsisting interest in New Survey No. 154. The settlement deed was acted



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upon and Mrs.Anbukkarasi had executed a General Power Deed in favour of R.K. Ramalingam of Panruti. Based on the Power Deed, the Power Agent R.K. Ramalingam had sold property measuring an extent of Ac.3.00 in favour of T.K. Ramasamy. Mr.T.K.Ramasamy under a registered sale deed, dated 19.07.2007 had sold Ac.3.00 to one Raja. From Raja, the petitioners and two others had purchased the property measuring an extent of Ac.3.00 under a registered sale deed dated 19.10.2009. One Manoharan, the husband of Anbukkarasi, had mortgaged the property measuring an extent of Ac.10.97. The 20 cents that were purchased by one Krishnan, was manipulated as Ac.4.20 cents. Since Manoharan did not repay the mortgage amount, the Bank initiated steps to bring the properties under mortgage for sale. Manoharan came forward to sell S.No. 154/1 Ac.1.00 and 20 cents in S.Nos. 154/3, 5 and 6. At the time of execution of sale agreement, Anbukkarasi was no more. The sale agreement was executed by Manoharan. The amount due to the Bank was cleared by the petitioners. Since Manoharan did not come forward to complete the sale, the petitioners filed O.S.No. 9 of 2011 on the file of Principal District Judge, Cuddalore, for specific performance. The suit was decreed and in execution of the decree, the petitioners filed EP.No. 142 of 2019 for execution of sale deed and delivery was taken on



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06.05.2022. Delivery was given through Court and only delivery has to be recorded. On 12.01.2008, Anjalatchi did not have any subsisting interest or right over any extent in New S.No. 154 which corresponds to old S.No.759/-. Even without title, Mrs.Anjalatchi has sold Ac.5.15 to one Mr.Pugazhendhi and one Gunasekaran under a registered sale deed dated 12.01.2008. Mr.Gunasekaran sold it to one R.Samyloganathan and on the same day, Pugazhendhi had executed a power deed in favour of R.Samyloganathan. Subsequently, R.Samyloganathan had executed a sale deed in favour of his wife, namely, Samy Punithavalli. The above documents will not confer any right to any of the persons above. From Samy Punithavalli, the 3rd respondent has purchased Ac.5.15 under a registered sale deed dated 23.08.2021. This sale will not confer any right/title on him, since the persons under whom he claims right, did not have any right over the properties. The purchase includes Ac.1.00 in S.No. 154/1 that belongs to the petitioner, of which, they have obtained a decree and taken delivery. The 3rd respondent has purchased the property after execution of the sale deed in favour of petitioners. The purchase made by the 3rd respondent is void and it is invalid and he has also not taken possession. The 3rd respondent filed EA.No.85 of 2022 under Order 21 Rules 97 and Section 101 CPC. The 3rd respondent is



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attempting to dispose of the property wantonly. However, the respondents 1 & 2 are refusing to refrain from registering any document, unless there is an order by Court. On 10.08.2023, a representation was given to respondents 1 & 2. The 2nd respondent has sent a reply dated 16.08.2023 stating that unless there is an order of Court, registration cannot be refused. Therefore, the petitioners' title has been upheld by the Civil Court and only to create trouble, the 3rd respondent is protracting the proceedings. The 3rd respondent is attempting to create encumbrance through fraudulent registration. Hence, the petitioners have come forward with the present writ petition under Article 226 of the Constitution of India.

3. The learned Counsel for the petitioners submitted that the petitioners have purchased the property through Court auction and delivery warrant has also to be recorded. In the meanwhile, the Official Respondents tried to alienate the property under Section 52 of the Transfer of Property Act. Despite notice has been served on the respondents, the Official Respondents are trying to register the document. Therefore, the petitioners have filed the present Writ Petition.



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4. The learned Additional Advocate General appearing for the respondents 1 & 2 submitted that the petitioners, without mentioning or referring any document, simply asked many persons prior to register the document which cannot be done and therefore, he prays to dismiss the writ petition.

5. Heard both sides and perused the records.

6. On a perusal of the records, it is seen that even the petitioners have not produced any records, the documents had already been registered and the petitioners are simply warning the respondents, but the petitioners state that the respondents are restraining from registering any of the documents. Therefore, the petitioners' Execution Petition was pending. It is for the petitioners to approach the Executing Court and if at all the petitioners have to approach before the Competent Civil Forum to seek appropriate remedy or file separate suit, unless the petitioners sell the property with right and title and the Writ Court cannot give any direction to the petitioners who have approached this Court and the writ petitioner must have the right and authority to complaint with that and since the prayer is the only opportunity among persons and no specific person shall



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present or try to alienate the property.

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7. Under such circumstances, the petitioners are not entitled the relief sought for in this writ petition. However, liberty is granted to the petitioners to approach the Civil Forum for appropriate relief in the manner known to law and if they are so advised.

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Index: Yes / No

Internet: Yes / No

Speaking / Non-Speaking order

MSM

1.The Inspector General of Registration  
No. 100, Santhome High Road  
Chennai - 28.

2.The District Revenue Officer, (Stamps)  
District Collector Office  
Namakkal.

3.The Sub Registrar  
Kumarapalayam  
Namakkal District - 638 183.



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**P, VELMURUGAN, J**

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