



WEB COPY



WP.No.12686 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12686 of 2024

C.Vasugi

.. Petitioner

Versus

The Sub Registrar,
Sub Registrar Office
Pochampalli, Krishnagiri District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondent to register the
settlement deed dated 22.12.2021 vide Temporary Registration
No.TP/108366811/2021.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal

2. Though this writ petition is filed for a direction, directing the 3rd

respondent to register the petitioner's sale deed in No.TP/108366811/2021

<https://www.mhc.tn.gov.in/judis>



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dated 22.12.2021. However, on perusal of the materials, it is seen that the refusal order itself has been passed refusing to register the sale deed on the ground that that third party has given protest petition in RFL/Pochampalli/19/2021.

3. Heard both sides and perused the materials placed on record.

4. It is the case of the writ petitioner that he purchased the subject property from Arjunan vide Sale Deed dated 13.05.1997 and he is in peaceful possession from then. Now, the petitioner decided to sell the property and when the sale deed was presented before the respondent, the same was refused to be registered on the ground that the Arjunan has given objection petition. Challenging the refusal checkslip, this writ petition.

5. On perusal of the case file, it would indicate that the petitioner was not made as a party to the suit proceedings in O.S.No.17/2024 and also the survey number relating to the petitioner's property in S.Nos.159A/2B1 and 159/2B1A are not the subject matter of the decree dated 30.10.2024 passed in O.S.No.17/2024 on the file of District Munsif Court, Krishnagiri.



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6. Such view of the matter, this Court is of the view that if any protest petition is issued by individuals, the same cannot be a ground to refuse the registration. This Court has elaborately discussed this issue in the case of *Subramani vs. The Sub Registrar and another* made in W.P.No.11056 of 2024 by order dated 26.04.2024.

7. Accordingly, the refusal check slip issued by the respondent in RFL/Pochampalli/19/2021 is set aside and the respondent is directed to register the sale deed dated 22.12.2021 within a period of 15 days month from the date of receipt of a copy of this Order.

8. With the above direction, this Writ Petition stand allowed. No costs.

05.07.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To,

The Sub Registrar,
Sub Registrar Office
Pochampalli, Krishnagiri District

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