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W.P. No.13523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.13523 of 2024 and
W.M.P. No.14674 of 2024

R.Sathishkumar

... Petitioner

Vs

1.The District Registrar
Administration
Namakkal

2.The Sub Registrar
Rasipuram

3.R.Chidambaram

4.Tmt.Baby Chitra

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in respect of his proceedings in Mu.Mu. No.9044/A1/2023 dated 4.4.2024 and the proceedings of the 2nd respondent in pending document No.96/2023 dated 31.10.2023 and quash the above proceedings and consequently, direct the respondents 1 and 2 to accept the sale deed dated



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16.6.2023 executed in favour of the petitioner and others and register and release the same to the petitioner, in respect of (pending Document No.96/2023) Survey Nos.294/3, 294/6, 294/7, 297/3 and 298/3, all the properties situate at Pattanam village, Namakkal District.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.B.Vijay,
Addl. Govt. Pleader for R1 & R2
No Appearance for R3 and R4

ORDER

This writ petition has been filed challenging the refusal slip issued by the second respondent refusing to register the document presented by the writ petitioner and confirmed by the first respondent,

2. It is the case of the writ petitioner that the property originally owned by one Duraisamy @ Karuppu Udayar. He died intestate leaving behind him his wife Rajammal and daughter Rajamani. The said Rajammal had executed a sale deed on 02.12.1975 in respect of her half share in the entire property in favour of one Ramasamy Udayar. The petitioner has purchased the property from Ramasamy Udayar's legal heirs M/s.Panneerselvam and Ramalingam. When the



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said document was presented for registration, the same was refused to be registered on the ground of protest petition given by the respondents 3 and 4 herein, who are the husband and daughter of Rajamani, the daughter of Duraisamy @ Karuppu Udayar and Rajammal, claiming that the entire land has been settled in their favour in the year 1974 itself by Rajamani. Taking note of the said facts, an enquiry has been conducted and orders have been passed.

3. It is relevant to note that on the face of it, it appears that it is a title dispute between the parties. The respondents 3 and 4, despite notice served on them, have not chosen to appear.

4. A counter has been filed by the second respondent, namely the Sub Registrar, Rasipuram, to the effect that there is title dispute between the parties and an enquiry has been conducted and orders have been passed.

5. The very affidavit filed in support of the writ petition and the impugned order indicate that it is a clear case of title dispute between the parties. But it is not disputed by both sides that the property was originally owned by one Duraisamy @ Karuppu Udayar. He had only two legal heirs,



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namely Rajammal (wife) and Rajamani (daughter). Both of them have sold half share in the entire property owned by Duraisamy @ Karuppu Udayar on 02.12.1975 vide Document No.1752/1975 to one Rangasamy. It is relevant to note that after the death of Duraisamy @ Karuppu Udayar, his wife and daughter have become entitled to half share each. That being the position, Rajamani appears to have settled the entire property including the share of her mother in the year 1974 in favour of respondents 3 and 4. Based on that document, her husband and daughter have now filed a protest petition. The very settlement deed in respect of the entire property by the daughter of Duraisamy itself cannot be valid in the eye of law for the entire property. Such being the position, even assuming that the parties are in possession or not whether the possessory right has become absolute right or not has to be seen only in the civil court. Such being the position, if at all the respondents 3 and 4 are aggrieved by any registration of the document, it is for them to establish their right in an appropriate manner in the civil court. Hence by a mere protest petition, the document cannot be refused to be registered. Accordingly, the impugned order of the second respondent and confirmed by the first respondent, are liable to be quashed.



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6. In the result, the writ petition is allowed. The order of the 1st respondent in respect of his proceedings in Mu.Mu. No.9044/A1/2023 dated 4.4.2024 and the proceedings of the 2nd respondent in pending document No.96/2023 dated 31.10.2023, are set aside. There shall be a direction to the second respondent to register the document presented by the petitioner within a period of 10 days from the date of receipt of a copy of this order. No costs. Consequently, the connected writ miscellaneous petition is closed.

09.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr
To

1.The District Registrar
Administration
Namakkal

2.The Sub Registrar
Rasipuram

3.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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