



WEB COPY



WP.No.17906 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.17906 of 2022
and W.M.P.No.17248 of 2022

M.Ramesh Krishnan

.. Petitioner

Versus

1. The District Registrar
Tiruppur District
Tiruppur

2.The Sub Registrar
Avinashi
Tiruppur District
Tiruppur

3.R.Baladhandapani

4.P.Kumarasamy

(R3 & R4 impleaded vide Order dated 22.08.2022
made in W.M.P.No.18648/2022 in W.P.No.17906/2022)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent pertaining to his proceedings in Check Slip No.23/2021 dated 20.11.2021 and quash the same.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.B.Vijay for R1 & R2
Additional Government Pleader
Mr.P.M.Duraiswamy for R3 & R4



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ORDER

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

2. Challenge is made against the refusal checkslip dated 20.11.2021 issued by the 2nd respondent refusing to register the sale deed 01.11.2021 dated and quash the same.

3. It is the case of the writ petitioner that when the petitioner presented a sale deed for registration on 01.11.2021, the same has been refused to be registered by the second respondent on the ground that property was already transferred to the third party in the year 2008 itself. Challenging the same, the present writ petition is filed.

4. The writ petitioner assails the order mainly on the ground that it is a conditional patta land, as the condition is violated and transferred in favour of the respondents 3 and 4, the same is not valid in the eye of law.

5. It is the stand of the 2nd respondent as the property is already transferred in favour of third party, the same cannot be registered. Hence,



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opposed the writ petition.

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6. Counter has been filed by the respondents 3 and 4 to the effect that their grand father purchased the property in the year 1953 in S.No.518/2,3 & 4 to an extent of 7.88 acres out of 10.46 acres of Puthupalayam Village, Avinashi Taluk. Thereafter, the respondents 3 and 4's father inherited the property and they had settled their shares in favor of the respondents 3 and 4 in Doc.Nos.631 & 632/2008 respectively. According to them, they are in continuous and absolute possession and enjoyment of the property for more than 70 years. Hence, opposed the writ petition.

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

8. On perusal of the record, it appears that the petitioner is now trying to establish the title. Though the submission of the learned counsel appearing for the petitioner that since the property is conditional patta land, the condition is violated and transferred the property, therefore, the petitioner is entitled to present the document, this Court is of the view that the very submissions and the nature of the writ petition indicate that the writ petitioner is trying to create title over the property without any rights whatsoever. When the property is



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already sold and transferred in the name of third parties, dealing with the same property without any title cannot be permitted. Though the registering authorities has no right to go into the title, but the fact remains that when the parties are trying to create right by way of adopting such tactics, the same cannot be entertained by the Court of Law.

9. Such view of the matter, I do not find any merits in the case and this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

17.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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To,

1. The District Registrar
Tiruppur District
Tiruppur

2.The Sub Registrar
Avinashi
Tiruppur District
Tiruppur



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N. SATHISH KUMAR, J.

dhk

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