



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18499 of 2024

Perumiyammal

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Petitioner

versus

1.The District Registrar
Registration Department,
Krishnagiri District.

2.The Sub-Registrar,
Royakottai Sub Registration office,
Krishnagiri District.

3.Govindaraj

4.Muniraj

5.Thangavel

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent dated 04.04.2024 made in refusal check slip reference No.RFL/Royakottai11/2024 refusing to register the Sale Deed of the petitioner dated 04.04.2024 and to



quash the same and consequently direct the 2nd respondent to register the said sale deed and to return the documents on its registration forthwith.

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For Petitioner

: Mr.C.Prabakaran

For Respondents

:Mr.M.Shajahan for R1 and R2
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to call for the records relating to the impugned order passed by the 2nd respondent dated 04.04.2024 made in refusal check slip reference No.RFL/Royakottai11/2024 refusing to register the Sale Deed of the petitioner dated 04.04.2024 and to quash the same and consequently direct the 2nd respondent to register the said sale deed and to return the documents on its registration forthwith.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader for the official respondents and perused the materials available on record.

4. The case of the petitioner is that he purchased the property comprised in Survey No.176/1, measuring to an extent of 3.50 acres situated at Chinnagoundanahalli Village, Palacode Taluk, Dharmapuri District on 02.07.1984 vide Document No.586 of 1984 on the file of S.R.O.,



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Royakkotai. Taking advantage of petitioner's illiteracy, the survey number was wrongly mentioned as S.No.176/3, measuring to an extent of 2.30 acres instead of S.No.176/1, measuring to an extent of 3.50 acres. The petitioner is the absolute owner and he is in enjoyment of the property. However, the third respondent filed a suit in O.S.No.118 of 2012 on the file of District Munsif Court, Palacode for declaration of title and recovery of possession in respect of S.No.176/1 to an extent of 3.50 acres of land. After contesting, the suit has been dismissed holding that plaintiff is not entitled to the relief in respect of property situated in S.No.176/1. Aggrieved by the same, the third respondent filed an appeal in A.S.No.6 of 2019 before the Sub-Court, Palacode and the same was also dismissed vide Judgment dated 22.12.2022. After the said judgment and decree, the 3rd respondent without having any iota of right, again executed another sale deed vide Document No.904 of 2023.

5. Based on the decree and judgment of both the Courts below and the sale deed dated 02.07.1984, the petitioner became absolute owner of the property in S.No.176/1, measuring to an extent of 3.50 acres. Hence, he executed a sale deed in favour of one Jeyalakshmi on 04.04.2024, the same was presented before the 2nd respondent for registration. The 2nd respondent



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in turn refused to register the sale deed under the impugned order of refusal check slip in No.RFL/Royakottai11/2024 dated 04.04.2024, on the ground that the settlement deed executed by said Govindaraj/3rd respondent vide Document Nos.5310 and 5311 of 2022 and re-conveyance deed vide Document No.904 of 2023 are need to be declared as null and void. Aggrieved by the said return, the petitioner preferred an appeal before the 1st respondent, who in turn passed the impugned order stating that as the said document was refused at the initial stage itself, no appeal will lie under the Registration Act vide proceedings in Na.Ka.No.2321/AA1/2024 dated 03.05.2024. Hence, he seeks a direction to quash the same and to direct the 2nd respondent to register the said sale deed.

6. A perusal of the record would go to show that the petitioner is having possession of the property and the patta proceedings were also changed in the name of the petitioner. Merely on the basis of some document executed by the 3rd respondent after judgment and decree, such document will not come in the way of petitioner executing the documents and the 2nd respondent refusing to register the petitioner's document based on the subsequent document created by the 3rd respondent cannot be sustained in the eye of law. Therefore, the impugned order passed by the 2nd



respondent dated 04.04.2024 made in refusal check slip reference

No.RFL/Royakottai11/2024 is set aside. The second respondent is directed

to register the petitioner's sale deed dated 04.04.2024 within a period of

one(1) week from the date of receipt of a copy of this Order.

7. With the above directions, this Writ Petition is allowed. No costs.

11.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv

To

1.The District Registrar
Registration Department,
Krishnagiri District.

2.The Sub-Registrar,
Royakottai Sub Registration office,
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N.SATHISH KUMAR, J.

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