



WEB COPY

W.P.No.22026 of 2024
and W.M.P.No.24003 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22026 of 2024
and W.M.P.No.24003 of 2024

Gobi

...

Petitioner

versus

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinappakkam,
Chennai - 600 028.
- 2.The District Registrar,
Office of the District Registrar,
Namakkal - 637 003.
- 3.The Joint I Sub-Registrar,
Joint I Sub-Registrar Office,
Namakkal Collectorate Campus Back Side,
Nallipalayam, Namakkal.
- 4.Nalini
- 5.Aravind
- 6.Sangeetha

...

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 pertaining to the impugned “Refusal Check Slip” issued by the third respondent *vide* Refusal No.RFL/Joint I Sub-Registrar/Namakkal/58/2024 dated 03.07.2024 and quash the same and consequently direct the third respondent to register the Sale Deed dated date 03.07.2024.

For Petitioner : Mr.N.Umapathi

For Respondent Nos.1 to 3 : Mr.Stalin Abhimanyu
Additional 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 quash the Refusal Check Slip in Refusal Number : RFL/Joint I Sub-Registrar/Namakkal/58/2024 dated 03.07.2024 and consequently direct the third respondent to register the same.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3 and perused the materials available on record.



4. It is the case of the writ petitioner that the property originally owned by one Karuppa Gounder, for an extent of 2.18 ½ acres in S.F.No.248/2, an extent of 0.86 acres in S.F.No.249/9 and an extent of 0.42 acres in S.F.No.252/2/7. During his life time, he executed a Will on 15.10.1986 in favour of his daughter-in-law, namely one Selvi. After the death of Karuppa Gounder, his daughter-in-law sold the property in favour of one Veerappan on 07.02.2007. The petitioner purchased the property from the said Veerappan. When the document was presented, the same was refused to be registered on the ground that one Marayee and Kamalam had already executed a Sale Deed in favour of third parties.

5. It is the contention of the learned counsel for the petitioner that the said Marayee is the wife of Karuppa Gounder and Kamalam is his daughter and they filed a suit in O.S.No.183 of 2007 for claiming partition. During the pendency of the suit, they executed a document to the third parties. The suit has been dismissed for default and now, the application filed for restoration is also dismissed.



WEB COPY

6. According to the learned counsel for the petitioner, the dismissal order reached finality. At any event, when the suit itself is filed for partition and selling the entire property by Marayee and Kamalam is not valid in the eye of law. Even before the sale, the property had already been transferred in favour of Veerappan, the vendor of the petitioner, by Selvi. The beneficiaries under the Will executed by Karuppa Gounder. Hence, even if the previous document is registered, the same will not have any title to the property. Hence, the refusal slip cannot be sustained in the eye of law.

7. In such view of the matter, mere registering the document will not give better title of the parties. If at all the parties are claiming title on the basis of the registered documents, let them establish their title in the Civil Court.

8. Accordingly, this Writ Petition is allowed and the impugned Refusal Check Slip dated 03.07.2024 is quashed and the third respondent is directed to register the Sale Deed dated 03.07.2024 presented by the petitioner within a period of seven days from the date of receipt of a copy of



this order. No costs. Consequently, connected Miscellaneous Petition is closed.

01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinappakkam,
Chennai - 600 028.
- 2.The District Registrar,
Office of the District Registrar,
Namakkal - 637 003.
- 3.The Joint I Sub-Registrar,
Joint I Sub-Registrar Office,
Namakkal Collectorate Campus Back Side,
Nallipalayam, Namakkal.



WEB COPY

W.P.No.22026 of 2024
and W.M.P.No.24003 of 2024



N.SATHISH KUMAR, J.

sri

W.P.No.22026 of 2024
and W.M.P.No.24003 of 2024

01.08.2024