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W.P.No.23013 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.23013 of 2024**

1. Thangadurai  
2. Velusamy  
3. Palanisamy  
4. Balasubramani ... Petitioners

vs.

The Sub Registrar,  
Mulanoor Sub Registrar Office,  
Tiruppur District. ... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal Check Slip dated 25.05.2024 in RFL/Moolanur/17/2024 made by the respondent, quash the same and consequently, direct the respondent to register and release the sale deed dated 25.07.2024 without insisting for Ownership Certificate from the Revenue Authorities.

For Petitioners : Mr.R.Prabakar  
For Respondent : Mr.T.Chezhiyan  
Additional Government Pleader

**ORDER**

The Writ Petition is filed challenging the refusal Check Slip dated



W.P.No.23013 of 2024

25.07.2024, issued by the respondent.

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2. It is the case of the petitioner that father of the petitioners 2 and 3 and grandfather of 4<sup>th</sup> petitioner viz., Ramasamy Gounder owned undivided 26 ½ cents of land out of total extent of 4 acres 25 cents in Survey No.2129/2, Kilangundal Village, Dharapuram Taluk, Tiruppur District.

3. It is also further claimed by the petitioners that in the same Village, Ramasamy Gounder owned undivided 18 ½ cents out of total extent of 88 cents in Survey No.2130/2 and undivided 19 ½ cents out of total extent of 1 acre 32 cents in Survey No.2131/2.

4. The said Ramasamy Gounder, who is the father of the petitioners 2 and 3 and the grandfather of 4<sup>th</sup> respondent, mortgaged the said property in favour of Kilangundal Agricultural Co-operative Society, under Document No.1032 of 1976 registered on the file of the respondent herein.

5. The petitioners 2 to 4 executed a sale deed in favour of the 1<sup>st</sup> petitioner on 25.07.2024 and the same was presented for registration before the respondent. The respondent issued impugned Refusal Check Slip on the



W.P.No.23013 of 2024

ground that patta for the subject property stands jointly in the name of various persons and there is nothing to suggest the actual extent owned by the vendors of the 1<sup>st</sup> petitioner, i.e., petitioners 2 to 4. Therefore, the respondent directed the petitioners to get ownership certificate from the revenue department and present the same for registering the document.

6. In the affidavit filed in support of the writ petition, petitioners have clearly stated that the above mentioned properties are ancestral properties of Ramasamy Gounder. Therefore, the petitioners could produce only revenue documents in his name. The petitioners are not claiming any exclusive right over the subject matter of the sale deed. They only claim undivided interest in the property situated in the above mentioned three survey numbers.

7. The patta for the above mentioned survey numbers are enclosed in the typed set of papers. A perusal of the same would suggest that the patta for Survey No.2129/2 stands jointly in the name of 3<sup>rd</sup> petitioner and others. The patta for Survey Nos.2130/2 and 2131/2 also stands jointly in the name of 3<sup>rd</sup> petitioner and one Nachimuthu Gounder. Therefore, the revenue documents produced by the petitioners would establish that they have got



W.P.No.23013 of 2024

undivided interest in the subject matter of the sale deed.

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8. As mentioned earlier, the petitioners 2 to 4 executed sale deed in favour of the 1<sup>st</sup> petitioner only in respect of their undivided interest and they have not claimed any exclusive right over the subject matter of the sale deed. It is also seen from the typed set of papers, the above said Ramasamy Gounder mortgaged the very same property describing himself as owner of above mentioned extent of lands in three survey numbers and executed mortgage deed in favour of Kailangundal Agricultural Cooperative Society under document No.1032 of 1976 dated 15.11.1976. Therefore, the petitioners have produced registered document to show that Ramasamy Gounder dealt with the property in the year 1976 itself exercising control over his undivided share.

9. In the impugned order, the respondents directed the petitioner to produce ownership certificate issued by the revenue department. The revenue department has no jurisdiction to issue ownership certificate mentioning the exact extent available with the petitioners. The joint patta issued in the name of the 3<sup>rd</sup> petitioner and the mortgage deed dated 15.11.1976 prima facie, establish the right of the petitioners 2 to 4 over the



W.P.No.23013 of 2024

subject matter of the sale deed. As per the law laid down by the Hon'ble Apex Court in *Satya Pal anand v. State of M.P. and others*, reported in (2016) 10 SCC 767, the registering authority has no jurisdiction to investigate title of party to the document presented for registration. Therefore, the respondent is not justified in issuing a Refusal Check Slip directing the petitioners to produce the ownership certificate from the revenue department and accordingly, the impugned Refusal Check Slip is quashed and the Writ Petition stands allowed. The petitioners are directed to re-present the document for registration before the respondent within a period of two weeks from the date of receipt of a copy of this order and on such re-presentation, the respondent shall register the same, if it is otherwise in order. No Costs.

**27.08.2024**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No

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W.P.No.23013 of 2024

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Mulanoor Sub Registrar Office,  
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W.P.No.23013 of 2024

**S.SOUNTHAR, J.**

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**W.P.No.23013 of 2024**

**27.08.2024**