



WEB COPY



WP.No.25842 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.25842 of 2023

K.Manickam

.. Petitioner

Versus

The Sub Registrar
Avarapakkam
Tindivanam Taluk
Villupuram District

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records and order of the respondent in Refusal Number:RFL/Avarapakkam/7/2023 dated 07.08.2023 and quash the same as illegal and further directing the respondent to register the Sale Deed dated 07.08.2023 without requiring the petitioner to clear the encumbrance and represent the sale deed, if it is otherwise in order.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenge has been made in this writ petition as against the order passed by the respondent in refusing to register the sale deed dated 07.08.2023 on the ground that earlier subject matter is covered in two documents namely sale deed of the year 2012 and the partition deed of the year 2008



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2. Counter has been filed by the respondent to the effect that since the partition deed No.667 of 2008 covers the entire property of 56 cents in Survey No.232/4 of Molachur Village, the sale of undivided 17 cents out of 56 cents made under Sale Deed No.3248 of 2012 appears to be not in order. Therefore, it is the contention of the respondent that the vendor of the present document have no title to convey the property.

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

4. The respondent proceeded as if the partition deed relates to the entire entire property of 56 cents in Survey No.232/4, however, on perusal of the partition deed indicates that only an extent of 28 cents in Survey No.232/4 is allotted to one Thanickachalam not the entire property of 56 cents in Survey No.232/4 as understood by the Sub-Registrar/respondent. Now, what was sought to be conveyed is only an undivided interest of 17 cents. Such view of the matter, when the parties are not at dispute, it is not for the Sub-Registrar to go into the title and refuse to register the documents.

5. In such view of the matter, the impugned proceedings of the respondent has to be quashed. Accordingly, this Writ Petition is allowed and



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the impugned proceedings of the respondent stands quashed and the respondent is directed to register the sale deed dated 07.08.2023 presented by the petitioner within a period of one month from the date of receipt of a copy of this Order. No costs.

03.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The Sub Registrar
Avarapakkam
Tindivanam Taluk
Villupuram District



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N. SATHISH KUMAR, J.

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