



W.P.No.888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.888 of 2024
and
W.M.P.No.917 of 2024

1. B.Rajeshwaran

2. E.S.Babu

... Petitioners

Vs.

1 The District Registrar,
Chennai-South Registration District,
Nandanam,
Chennai - 600 035.

2 The Sub Registrar,
Thyagaraya Nagar,
No. 27/14 Vetnari Hospital Road,
Fanepet, Nandanam,
Chennai - 600035.

3 R.Grace

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records



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of 1st Respondent by order dated 18.08.2023 Vide Na/Ka.No. 15704/AA1/2023 confirming the order of 2nd Respondent pertaining to the refusal slip dated 08.08.2023 bearing refusal No. RFL/Thyagaraya Nagar/42/2023 and to quash the same and to direct the 2nd Respondent to register the Sale Deed dated 08.08.2023 on the file of SRO-Thyagaraya nagar.

For Petitioners : Mr.M.V.Seshachari

For R1 & R2 : Mr.R.Neethiperumal
Additional Government Pleader

For R3 : Notice sent
Tapal returned (out of station)

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of first respondent by order dated 18.08.2023, Vide Na/Ka.No. 15704/AA1/2023, confirming the order of the second respondent pertaining to the refusal slip dated 08.08.2023 bearing refusal No. RFL/Thyagaraya Nagar/42/2023 and to quash the



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same and to direct the second respondent to register the Sale Deed, dated 08.08.2023 on the file of SRO-Thyagaraya Nagar.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

3. The first petitioner presented the document, namely the sale deed in which, the first petitioner is said to have sold the property to the second petitioner. The first petitioner is the vendor and the second petitioner is shown as purchaser. The property originally belonged to the third respondent and her husband and they executed a settlement deed in favour of the first petitioner, reserving their life estate. After the death of the third respondents' husband, possession passed on to the first petitioner. Though the husband of the third respondent died, the third respondent is still alive, but the life estate continues. However, the first petitioner has executed a sale deed under the subject before the first respondent in favour of the second petitioner. The transfer of possession



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and interest will pass on further, after the life time of the third respondent. However, the second respondent has directed the petitioners to implead the third respondent also as one of the party to the document. Further, the second respondent has also directed the petitioner to produce the original document. Aggrieved by the same, the petitioner has filed the appeal before the first respondent and the first respondent observed that since the second respondent has not passed the final order, the petitioner would comply with the directions of the second respondent to register the document. The main contention of the petitioner is that the name of the third respondent has been mentioned in the subject sale deed. Therefore, she need not be added as a party, since possession has not been given to the second petitioner.

4. Therefore, under the above facts and circumstances, impleading of the third respondent as a party to the document, is not correct. The petitioners have to produce all the parent documents of the subject property. As far as the life interest of the third respondent is concerned, the same has not been conveyed and not disbursed. The



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second respondent is directed to register the document in question, if it is otherwise in order and if there is no other legal impediment.

5. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition in W.M.P.No.917 of 2024 is ordered on payment of separate court fees by each of the petitioners.

19.02.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

- 1 The District Registrar,
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Nandanam, Chennai - 600 035.
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P.VELMURUGAN, J.

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