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W.P.No.26701 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26701 of 2024

Krishnamma

... Petitioner

VS.

The Sub-Registrar,
Office of the Sub-Registrar,
Kelamangalam,
Denkanikotta Taluk
Krishnagiri 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 proceeding vide Refusal Check Slip having reference No.RFL/Kelamangalam/9/2024 dated 17.08.2024, on the file of the Respondent, quash the same and consequently direct the Respondent to register the Settlement Deed dated 13.06.2024 presented by the writ Petitioner for registration and release the document to the writ Petitioner within the time period stipulated by this Court.



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For Petitioner : M/s.U.Ramya

For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

Aggrieved by the impugned refusal check slip No.RFL/Kelamangalam/9/2024 dated 17.08.2024 issued by the respondent, the petitioner has come by way of this writ petition.

2. Head the argument of learned counsel for petitioner and that of learned Special Government Pleader for respondent. By consent of learned counsel, main writ petition is taken up for hearing.

3. The petitioner executed a Settlement Deed dated 13.06.2024 in favour of her son in respect of the property situated in S.No.720/1D in Hosapuram Village, Denkanikotta Taluk, Krishnagiri District and presented the same for registration before the respondent. The respondent issued impugned refusal check slip on the ground that subsequent to purchase of



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the property by the petitioner in the year 1995, petitioner's vendor-D.Chandrappa sold the property to one Sarfun Bee in the year 2007 and then said Sarfun Bee sold the property to one Manjamma in the year 2011.

4. A reading of the reason assigned by the respondent clearly indicate D.Chandrappa was original owner of the property and he sold the entire property to the petitioner under the registered Sale Deed vide Document No.999/1995 on the file of the Sub-Registrar, Kelamangalam. It is also seen the patta for the subject property stands in the name of the petitioner in Patta No.1239. Merely because, the vendor of the petitioner sold the property again to some other third parties by subsequent documents, the title of the petitioner will not get affected. Therefore, by citing subsequent documents executed by petitioner's vendor, the respondent is not entitled to refuse registration.

5. It is settled law the earliest Sale Deed executed by D.Chandrappa in favour of petitioner will prevail over the subsequent sales. Therefore, the impugned check slip issued by the respondent is quashed.



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6. The petitioner is directed to represent the document before the respondent for registration, within a period of two weeks from the date of receipt of a copy of this order. The respondent is directed to register the document, if it is otherwise in order.

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

12.09.2024

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

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The Sub-Registrar,
Office of the Sub-Registrar,
Kelamangalam,
Denkanikotta Taluk
Krishnagiri District.



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S.SOUNTHAR, J.

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