



WEB COPY



W.A.No.2903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Mr. JUSTICE P.DHANABAL

W.A.No.2903 of 2024
AND
C.M.P.No.21447 of 2024

Sundaramoorthi Nayanar

.. Appellant

Vs.

1.Dhandapani

2.The Sub Registrar
Office of the Sub Registrar
Kaveripattinam
Krishnagiri District

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.08.2024 passed by the learned Single Judge in W.P.No.24592 of 2024.

For Appellant : Mr.C.Jagadish

For 1st Respondent : Mrs.Reshmi Christy

For 2nd Respondent : Mr.B.Vijay
Additional Government Pleader

J U D G M E N T

(Delivered by S.S.SUNDAR, J.)

This writ appeal is directed against the order of the learned Single Judge dated 28.08.2024 passed in W.P.No.24592 of 2024.



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2. The 1st respondent herein filed a writ petition in W.P.No.24592 of 2024 for issuing a writ of certiorarified mandamus to quash the order in the refusal check slip dated 25.07.2024 passed by the Sub Registrar, while refusing to register the sale deed dated 25.07.2024. Though the appellant was impleaded as 2nd respondent in the writ petition, it appears that the writ petition was disposed of at the admission stage, without issuing notice to the appellant/ 2nd respondent.

3. The learned counsel for the appellant submitted that in respect of the subject property of the sale deed *viz.*, survey No.179/9, patta passbook stands in the name of the appellant. The learned counsel contended that the 1st respondent/writ petitioner derived title through one Govindaraj, who had purchased the property *vide* document dated 10.06.1966. Referring to the property that was conveyed in favour of the said Govindaraj, the learned counsel for the appellant contended that the said property falls in survey No.179/7 and not the property to which the appellant has got title and obtained patta.

4. It is also the case of the appellant that taking advantage of a compromise decree and a mistake in the survey field mentioned in the compromise decree dated 19.10.1967, the 1st respondent/writ petitioner claim



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title to the property in survey No.179/9. The property is also the subject matter of another suit in O.S.No.406 of 2022 pending on the file of the Principal District Court, Krishnagiri.

5. Having regard to the nature of contentions and the fact that the appellant is the registered land owner and patta stands in his name, this Court is of the view that the appellant is also to be heard before disposing of the writ petition. The 1st respondent/writ petitioner cannot insist the Sub Registrar to register the document without perusing the patta stands in the name of the executant, by virtue of Section 5 of the Tamil Nadu Patta Passbook Act, 1983. This Court, without going into the merits of the contentions raised by the parties, set aside the order of the learned Single Judge and remit the matter to the learned Single Judge for passing orders after hearing the 1st respondent/writ petitioner.

With the above direction, this writ appeal is disposed of. No costs.
Connected C.M.P. is closed.

Index : Yes/No
Neutral Citation : Yes/No
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[S.S.S.R.,J.] [P.D.B., J.]
11.11.2024

S.S.SUNDAR, J.
AND



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To
The Sub Registrar
Office of the Sub Registrar
Kaveripattinam
Krishnagiri District



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P.DHANABAL, J.

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