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W.M.P.No.39034 of 2024  
in W.P.No.15878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2024

CORAM

**THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

W.M.P.No.39034 of 2024  
in W.P.No.15878 of 2024

1.K.S.Jagadeesan  
2.Sumathi  
3.Mohana  
4.Sagunthala

.. Petitioner

Vs.

1.K.Gopinathan  
2.The Sub Registrar,  
Office of Sub-Registrar,  
Pallikonda,  
Vellore District.

.. Respondents

For Petitioner : Mr.D.Rajagopal  
For R1 : Mr.S.Arivazhagan  
For R2 : Mr.P.Gurunathan  
Additional Government Pleader

**ORDER**

This petition has been filed by the petitioners herein, seeking leave of this Court to reopen the main Writ Petition in W.P.No.15878 of 2024 which was disposed of vide order dated 21.06.2024 and to rehear and dispose of the same.



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2.The above said Writ Petition has been filed by one Thiru K.Gopinathan, who is the 1<sup>st</sup> respondent herein, challenging the order passed by the Sub Registrar, the 2<sup>nd</sup> respondent herein, dated 03.06.2024, refusing to register sale deed dated 03.06.2024, presented by the 1<sup>st</sup> respondent.

3.According to the petitioners herein, the subject property is an ancestral property and they have 1/4<sup>th</sup> share and also the vendor of the writ petitioner, one Tmt.Latha has also 1/4<sup>th</sup> share. However, the writ petitioner, presented the sale deed, dated 03.06.2024 for registration, which was said to have been executed by his vendor Latha in respect of ½ half share and the Sub Registrar, on perusal of the sale deed and other connected documents, has rightly refused to register the said sale deed. But the writ petitioner, suppressing all these facts, without impleading the petitioners herein, filed the writ petition and obtained the order, which requires to be reconsidered by this Court.



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4.The main contention of the petitioners herein that the vendor of the writ petitioner, was entitled to only 1/4<sup>th</sup> share in the subject property, but she had sold 1/2 share, which is excessive than her share and executed the sale deed in favour of the writ petitioner. It appears that the 2<sup>nd</sup> respondent/Sub Registrar, vide order dated 03.06.2024, impugned in the Writ Petition, has refused to register the same. This Court, vide order, dated 03.06.2024, while setting aside the impugned order, directed the Sub Registrar to execute the sale deed presented by the writ petitioner.

5.On a perusal of the order, dated 03.06.2024, it is clear that this Court observed that “...a competent civil Court has decided the rights of the parties on the basis of the documents and when the same has been confirmed upto the Second Appeal, when a document is presented for registration, the registration authorities refusing to register the sale on the ground that the vendor of the petitioner is not entitled to 1/2 share in the property cannot be sustained in the eye of law...” and accordingly, directed the 2<sup>nd</sup> respondent to register the document. When such view of the matter, this Court does not find any merit in the contention raised by the petitioners



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herein in order to review the order passed by this Court. Since the writ proceedings are summary in nature, the title disputes cannot be adjudicated upon by the High Court in writ jurisdiction. However, it is needless to state that mere registration of the sale deed, will not take away the rights of the petitioners over the subject property. Therefore, if at all the petitioners are entitled to  $\frac{1}{4}$  share in the subject property, they can very well approach the Civil Court by way of a partition suit and establish their right.

6. With the above observation, this petition is dismissed. No costs.

**12.12.2024**

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order



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**N.SATHISH KUMAR, J.**

rst

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