



W.P.No.32693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

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M.Ponnusami

...Petitioner

Vs.

1.The Sub Registrar
Office of Sub Registrar,
Karimangalam, Dharmapuri District

2.Mathiyalagan

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned check slip No. RFL/Karimangalam/217/2024 dated 11.9.2024 issued by the 1st respondent and to quash the same as illegal and consequently directing the 1st respondent to registrar the sale deed dated 10.9.2024 presented by the petitioner for registration



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and release the same to the petitioner.

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For Petitioner : Mr. M.Selvam

For Respondents : Mr. M.Shahjahan
Special Government Pleader.

ORDER

Challenging the order refusing to register the sale deed, the petitioner is before this Court. The brief facts are as follows.

2. The property measuring an extent of 3.61 acres comprised in 193/1, Karimangalam Taluk, Dharmapuri District was ancestral property of one Kutty Nadar. On the demise of the said Kutty Nadar on 07.06.2018, his legal representatives, namely, Mathiyalagan, Mani and Shanthi, had executed a power of attorney in favour of one Madappan in respect of the 2/3rd share in the aforesaid property.



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3. The said Madappan executed a sale deed in favour of one Sundaramoorthy, the petitioner's vendor on 18.12.2023, in respect of the said 2/3rd share. From the date of the execution of the sale deed, the petitioner's vendor has been in possession and occupation of the said property.

4. The petitioner had purchased a 1/3rd share in the said property under a sale deed dated 10.09.2024 for a sale consideration of Rs.2,50,000/- and had presented the same for registration on 11.09.2024. The said document was returned stating that there was a suit in O.S.No.416 of 2024 pending on the file of the District Munsif, Karimangalam, which is a suit filed by the 2nd respondent seeking partition of his 1/3rd share out of 3.61 acres in the aforesaid survey numbers.

5. Aggrieved by the same, the petitioner is before this Court.



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6. Heard the learned counsels on the either side and perused the records.

7. A perusal of the refusal slip would clearly indicate that the refusal was not only on account of pendency of the suit but it was on account of the fact that the petitioner who had purchased an undivided share has under the impugned sale deed proposed to sell an extent of 70 cents without specified boundaries. Such a sale deed has been executed when a suit for partition is pending on the file of the District Munsif, Karimangalam, in O.S.No.416 of 2023.

8. Therefore, the impugned order cannot be called into question and the Writ Petition is dismissed. However, in case the schedule is amended with specific boundaries and measurement, the respondent shall accept the same for registration and register the same. No costs.



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Index : Yes/No
Internet : Yes/No
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To

The Sub Registrar
Office of Sub Registrar,
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Dharmapuri District



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