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W.P.No.32721 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32721 of 2024

E.Nandhakumar

... Petitioner

Vs.

1.The Tahsildar,
Vandavasi Taluk,
Vandavasi,
Thiruvannamalai District.

2.The Sub Registrar,
Registration Department,
Thellar Vandavasi Taluk,
Thiruvannamalai District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to receive the document dated 12.08.2024 and register the same consequently to return back the original document to the petitioner.

For Petitioner : M/s.R.Hemalatha

For Respondents : M/s.M.Shahjahan, Special GP
for R.1 and R.2



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ORDER

Aggrieved by the fact that the 2nd respondent is not accepting the petitioner's sale deed dated 12.08.2024, on the ground that the patta had not been changed in the name of the executants, the petitioner is before this Court.

2. The vendor and the purchaser both trace title to the property, comprised in S.No.211/3, measuring an extent of 2.31 acres in Arugunam Village, Vandavasi Taluk, Thiruvannamalai District, through one Balaraman Reddiar, who had purchased the said property through a Court auction. The vendors are the children of the said Balaraman Reddiar and the purchaser is the son of the said Balaraman Reddiar's daughter, E.Indirani. The petitioner would submit that in order to register the sale deed dated 12.08.2024, executed by the legal heirs of the said Balaraman Reddiar in his favour, he had approached the 2nd respondent and produced the legal heirship certificate, the death certificate and the sale deed executed by the Principal Munsif Court, Arni in favour of the said Balaraman Reddiar in suit O.S.No.1004 of 1974. Despite which the 2nd respondent had refused to receive the sale deed on the ground that the patta has not been changed in the name of the executants. Therefore, the petitioner is before this Court.



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3. Heard the counsel on either side.

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4. By refusing to receive the sale deed dated 12.08.2024, the 2nd respondent has failed to perform the statutory duty imposed on him. Further, the 2nd respondent cannot refuse to register the sale deed on the basis of non-production of the patta, since patta is only a proof of possession. In this case, the petitioner has produced the sale deed executed by the Principal Munsif Court, Arni in favour of the said Balaraman Reddiar in suit O.S.No.1004 of 1974, the death certificate, and the legal heirship certificate of the decree holder, namely, Balaraman Reddiar. The sale deed dated 12.08.2024 narrates how the property has been devolved.

5. In view of the above, the Writ Petition is allowed and the 2nd respondent is directed to receive the sale deed dated 12.08.2024, register the same and consequently return back the original document to the petitioner. The said exercise shall be completed within a period of 2 weeks from the date of production of the sale deed by the petitioner. No costs.

11.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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