



WP.No.34772 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.34772 of 2022
and W.M.P.No.34211 of 2022

1.V.Valli
2.V.Raja

.. Petitioner

Versus

1.The Joint Sub Registrar No.I
(In Charge), Cuddalore

2.The Revenue Tahsildar
Cuddalore, Cuddalore District

3.The Tahsildar
Cuddalore, Cuddalore District

4.S.Veeramaikandan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of pertaining to the proceedings of the Joint Sub-Registrar – I (Incharge), Cuddalore, the first respondent herein in ந.க.எண்.6659/ அபபி/ நாள் 31.12.2021 and quash the same and consequently direct the 1st respondent to admit the document submitted by the petitioner on 01.12.2021.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.P.Anandhakumar for R1 to R3
Additional Government Pleader
Mr.P.Balavijayan for R4



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ORDER

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Challenging the refusal slip dated 31.12.2021 issued by the first respondent mainly on the ground of protest petition given by the fourth respondent, quash the same and direct the 1st respondent to register the sale deed presented by the petitioner on 01.12.2021.

2. Heard both sides and perused the materials placed on record.

3. At the outset, this Court is of the view that merely on the basis of the protest petition, document cannot be refused to be registered. In substantive provisions of law, there is no bar for the co-owner to sell the undivided share as per Section 44 of the Transfer of Property Act, 1882. The only restriction on the purchaser is that he cannot seek joint possession. The sale of undivided share by one co-sharer cannot be denied merely on the basis of protest petition by others.

4. Such being the position, merely on the basis of protest petition by other co-owners, the document cannot be refused to be registered. Accordingly, the impugned order is set aside and there shall be a direction to the first respondent to register the sale deed dated 01.12.2021 presented by the



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petitioner. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

5. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition stands closed. No costs.

18.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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(In Charge), Cuddalore

2.The Revenue Tahsildar
Cuddalore, Cuddalore District

3.The Tahsildar
Cuddalore, Cuddalore District



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N. SATHISH KUMAR, J.

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