



W.P.No. 36106 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36106 of 2024

R.Renganayaki

...Petitioner

Vs.

The Sub-Registrar,
Irumbulikiruchi Sub Registrar office,
Ariyalur District
...Respondent

Prayer: Writ Petition is filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned rejection order No.RFL/இரும்புலிக்குறிச்சி/69/2022 (Check Slip) dated 17.10.2022 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed executed by the petitioner in favour of Mathiyalagan.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : M/s.C.Meera Arumugam
Additional Government Pleader



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ORDER

Challenging the order of the respondent in refusing to register the sale deed executed by the petitioner in favour of one Mathialagan, the petitioner has approached this Court.

2. It is the case of the petitioner that her father Aranganathan had deserted the petitioner and her mother when the petitioner was a child. Thereafter, her mother and she had filed a suit O.S.No.51 of 1996 on the file of the Principal District Munsif Court, Ariyalur against her father and four others for partition and separate possession as well as for maintenance. A preliminary decree was passed on 28.01.2008 granting the petitioner a 2/6th share in the suit property and maintenance was also granted to both her mother as well as herself. There was no appeal preferred by the said Aranganathan. Thereafter, the petitioner had filed I.A.N.413 of 2009 for passing of



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the final decree. A final decree was passed on 28.07.2011 and the petitioner was allotted the following properties.

- (i) S.F.No.7/7 to an extent of 30.05 ares
- (ii) S.F.No.8/1B to an extent of 23 ares
- (iii) S.F.No.7/4 to an extent of 14.5 ares
- (iv) S.F.No.123/11 to an extent of 2 ares

3. The possession has also been taken by the petitioner by filing E.P.No.44 of 2012 before the Principal District Munsif Court, Ariyalur. The petitioner would submit that she has been in possession and enjoyment of the same till now. Owing to certain financial difficulties, the petitioner and her mother had decided to execute the Sale Deed dated 14.10.2022 in favour of one Mathialagan and the same was presented for registration before the respondent. The same was rejected stating that a suit in O.S.No.58 of 2022 for partition has been filed by one Vijaya and Malathi, who are the second wife and daughter of the petitioner's father, Aranganathan with respect to the



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properties specifically allotted to the petitioner. Challenging the same, this writ petition has been filed.

4. Heard the learned counsels on either side.

5. The suit O.S.No.58 of 2022 appears to be a collusive one filed at the behest of the said Aranganathan, the 1st defendant in O.S.No.51 of 1996. The said Vijaya and Malathy claimed under him. Be that as it may. They have not obtained any orders in their favour establishing their title to the property. There is no impediment to the respondent registering the document in favour of the petitioner.

6. Accordingly, the writ petition is allowed and the impugned order dated 17.10.2022 is set aside. The petitioner shall represent the documents along with a copy of the decree in O.S.No.51 of 1996 and a copy of order passed in E.P.No.44 of 2012 before the respondent. The respondent is directed to register the document within a period of two



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weeks from the date of receipt of a copy of this order and on such representation, the documents shall be registered.

05.12.2024

Index : Yes/No
Internet : Yes/No
srn

To,

The Sub-Registrar,
Irumbulikiruchi Sub Registrar office,
Ariyalur District



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P.T. ASHA, J,

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