



WP.No.37237 of 2024

In the High Court of Judicature at Madras

Dated : 12.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37237 of 2024 &
WMP.No.40252 of 2024

K.Srinivasan

Vs

...Petitioner

1.The Inspector General of
Registration, 100, Santhome
High Road, Mullima Nagar,
Mandavelipakkam,
R.A.Puram, Chennai-28.

2.The District Registrar,
Kancheepuram.

3.The Sub-Registrar, Joint 4
Kanchipuram Sub-Registrar
Office, Kamarajar Road,
Taluk Office Campus,
Kanchipuram-631501.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of impugned order passed by the 2nd respondent in Na.Ka.No. 525/A1/2024 dated 25.10.2024, quash the same as illegal, arbitrary and non-est in law and consequently direct the respondents to register the executed sale deed dated 10.4.2023 and release the registered sale deed to the petitioner within the time period stipulated by this Court.



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For Petitioner : Mr.S.Santhosh
For Respondents : Mr.P.Harish, GA

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ORDER

Seeking to quash the order passed by the second respondent dated 25.10.2024 in the appeal filed by the petitioner and to issue a consequential direction to the third respondent to register the sale deed dated 10.4.2023 presented by the petitioner and to release the same after registration, the petitioner is before this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) The property involved in this writ petition is measuring 9,328 sq.ft. comprised in S.No.10/2A1A1A1 at Vellingapattarai Village, Kancheepuram District. A large extent of properties including the subject property originally belonged to one Mr.K.Kalayanasundaram, who entered into a sale agreement dated 07.3.1988 with one Mr.Valayapathy for a valid sale consideration. Though the possession was handed over to the said Mr.Valayapathy, the said Mr.K. Kalyanasundaram failed to perform his part of the obligation as per the said sale agreement.

(ii) The said Mr.K.Kalyanasundaram died intestate leaving behind



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his legal heirs. Thereafter, the said Mr.Valayapathy instituted a suit in O.S.No.136 of 2013 on the file of the Sub-Court, Kanchipuram against the legal heirs of the said Mr.K.Kalyanasundaram and it was decreed on 27.11.2013. Pursuant to the said decree, a sale deed dated 29.4.2019 came to be executed by the legal heirs of the said Mr.K. Kalyanasundaram through the Court vide doc.No.1881 of 2019 on the file of the Sub-Registrar, Kanchipuram. Subsequently, the said Mr.Valayapathy executed a settlement deed dated 03.5.2019 in favour of one Mr.Sekar registered as doc.No.1927 of 2019 on the file of the same Sub-Registrar measuring 13,900 sq.ft.

(iii) The petitioner purchased the subject property measuring 9,328 sq.ft from the said Mr.Sekar vide sale deed dated 10.4.2023. When the said sale deed is presented for registration, by order dated 08.1.2024, the third respondent refused to register the same on the ground that the petitioner had not produced the regularization order in respect of the subject property and that the patta did not stand in the name of the petitioner's vendor. The third respondent also directed the petitioner to take back the pending document dated 10.4.2023. Challenging the same, the petitioner preferred an appeal to the second respondent on 06.2.2024.



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(iv) Simultaneously, the petitioner also filed W.P.No.31779 of 2024 against respondents 1 and 3 seeking to quash the order dated 08.1.2024 passed by the third respondent and for a consequential direction to the third respondent to register the said sale deed dated 10.4.2023. However, this Court disposed of the said writ petition on 25.10.2024 directing the second respondent to dispose of the appeal dated 06.2.2024 within a time frame. Ultimately, the second respondent passed the impugned order dismissing the said appeal. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. In the considered view of this Court, respondents 2 and 3 failed to appreciate that the subject property, which is sought to be registered is not part of a layout and it is a large extent of land that is sought to be conveyed. The subject land is not a house site and therefore, there is no necessity for obtaining a regularization order. That apart, the patta stands in the name of one of the legal heirs of the said Mr.K.Kalyanasundaram, against whom and his sister, the said suit filed in O.S.No.136 of 2013 for specific performance was decreed



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on 27.11.2013 and the sale deed dated 29.4.2019 was executed through the Court in favour of the said Mr.Valayapathy. Therefore, the reasons, on which, the appeal filed by the petitioner was dismissed by the second respondent by the impugned order and also the order dated 08.1.2024 passed by the third respondent cannot at all be sustained.

6. In the light of the above, the writ petition is allowed, the impugned order dated 25.10.2024 passed by the second respondent as well as the order dated 08.1.2024 passed by the third respondent are set aside and a direction is issued to the third respondent to register the sale deed presented by the petitioner within a period of two weeks from the date of its representation. Consequently, the connected WMP is closed.

12.12.2024

To

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
R.A.Puram, Chennai-28.
- 2.The District Registrar, Kancheepuram.
- 3.The Sub-Registrar, Joint 4
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