



W.P.(MD).No.3163 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.3163 of 2024

T.Ambaashankar

... Petitioner

vs.

1.The District Registrar (Administration),
Periakulam,
Theni District.

2.The Sub Registrar,
No.2, Joint Sub Registrar Office,
Periakulam,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to register the sale deed pertaining to agricultural land in S.No.570/3, comprising an extent of 34 cents located in Thamaraikulam Village, Periakulam Taluk, Theni District.

For Petitioner : Mr.S.Anand Chandrasekar
for Sarvabhauman Associates

For Respondents : Mr.D.S.Nedunchezian



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to register the sale deed pertaining to the agricultural land in S.No.570/3 to an extent of 34 cents situated at Thamaraikulam Village, Periakulam Taluk, Theni District.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, based on the Will executed by his father, he is in possession and enjoyment of 17 cents in S.No.570/3 and the other legal heirs have not disputed the Will executed by his father. The petitioner and his uncle's son decided to sell 34 cents in S.No.570/3. After finalising the sale negotiations with Mr.Krishnan of Kallipatty, they prepared a draft sale deed and approached the second respondent for approval. But the second respondent has refused to accept the sale deed, based on the Circular of the District Registrar. Hence, he sent a representation to the second respondent on 09.12.2023. The second

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respondent has received the same on 11.12.2023, but not responded so far. Further, the first respondent directed the second respondent to take appropriate proceedings, based on the petitioner's representation and give reply to him. Despite the said direction given by the first respondent, the second respondent has not given any reply so far. The action of the second respondent not recognizing the unregistered Will dated 22.06.2021, executed by the petitioner's father and consequently refusing to accept the sale deed is illegal and arbitrary. Hence, the present writ petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the above facts, this Court directs the petitioner to give an explanation to the second respondent and on receipt of such explanation, if it is satisfactory, the second respondent is directed to consider the same and register the sale deed in respect of the agricultural land in S.No.570/3 to an extent of 34 cents situated at Tamaraikulam



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Village, Periakulam Taluk, Theni District, in favour of the petitioner,
based on his representation, dated 09.12.2023.

6. With the above directions, this Writ Petition is disposed of. No costs.

14.02.2024

akv

To

- 1.The District Registrar (Administration),
Periakulam,
Theni District.
- 2.The Sub Registrar,
No.2, Joint Sub Registrar Office,
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V.BHAVANI SUBBAROYAN,J.

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