



W.P(MD)No.6020 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6020 of 2024

S.Subramanian

... Petitioner

Vs.

1.The District Registrar (Admn),
Registration Department,
Palayamkottai
Registration District,
Tirunelveli.

2.The Sub Registrar,
Department of Registration,
Office of the Sub Registrar,
Kovilpatti, Tuticorin District.

3.G.Kesavan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Respondent No. 2 in pending document No.1/2024 dated 28.02.2024, quash the same and consequently to direct the 2nd respondent to register the sale deed dated 22.12.2023 presented by the petitioner for registration within the time limit that may be fixed by this Court.



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For Petitioner : Mr.D.Siva Raman

For Respondents : Mr.R.Ragavendran,
Government Advocate for R1 & R2.
Mr.C.Gangai Amaran for R3.

ORDER

Heard the learned counsel on either side.

2.The only question that calls for consideration in this writ petition is whether the second respondent was justified in refusing to register the petition mentioned sale deed dated 22.12.2023 executed in his favour by one Balamurugan, merely because the third respondent has raised objection.

3.Balamurugan, the petitioner's vendor traces his title in the following manner:-

The revenue record reflected the name of one Ayyana Thevar. The said Ayyana Thevar having patta No.514 executed settlement deed in favour of his second wife / Poomari Ammal vide Document No.468/1978 dated 20.03.1978. Poomari Ammal in turn sold the property vide sale deed dated 15.02.1995 (Document No.501/1995) in favour of one Muthukumar. Muthukumar in turn sold the same in favour of one Vanaraja vide sale deed dated 08.09.1995



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(Document No.2836/1995). Vanaraja formed lay out and sold as many as 73 plots from 2002. She sold 25.93 cents in favour of one Atchaya Ramanujam vide sale deed dated 12.04.2023 (Document No.3456/2023). Atchaya Ramanujam parceled the land into two. He sold 13.71 cents vide sale deed dated 02.05.2023 in favour of the petitioner's vendor / Balamurugam (Document No.4036/2023). Balamurugan had executed sale deed dated 22.12.2023 in favour of the petitioner. Balamurugan and the petitioner presented the same for registration. The second respondent citing the objection of the third respondent issued the impugned refusal check slip.

4.The learned counsel for the third respondent points out that the revenue record originally reflected the name of one Laskhsmanaraja. Mangathayammal was his daughter. There is nothing on record to show that before effecting mutation in the revenue record, Lakashamanaraja or Mangathayammal were put on notice. Mangathayammal had executed power of attorney (Document No. 773/2007) in favor of one V.Ramachandra Raja. The said Ramachandra Raja entered into a registered sale deed with the third respondent herein on 07.10.2009 (Document No.8394/2009). The argument of the learned counsel for the third respondent is that taking advantage of the erroneous entry in the revenue record in favour of Ayyana Thevar, the subsequent transactions had taken place.



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5.The learned counsel for the third respondent might as well be right in his contention that the revenue record originally reflected the name of Lakshmanaraja. The moot question is whether on that score, the petition mentioned sale deed should be refused registration.

6.The learned counsel for the writ petitioner draws my attention to Section 54 of the Transfer of Property Act, 1882. It states that a contract for sale of immovable property is a contract which does not, of itself, create any interest in or charge on such property. The sale agreement relied on by the third respondent is of the year 2009. More than 15 years have elapsed. I fail to understand as to why, the third respondent had not taken a pucca sale deed in his name. Be that as it may, the learned counsel for the petitioner points out that the so-called principal is no more. Interestingly, Ramachandra Raja is also said to be no more. Their death certificates have been enclosed in the typed set of papers. In these circumstances, the very locus standi of the third respondent is in grave doubt. If the third respondent had any prima facie case in his favour, I would have definitely given breathing time to the third respondent to move the jurisdictional Civil Court and obtain restraint order against registration. Since the third respondent's locus standi to maintain the objection before the registering authority is in doubt, I am not inclined to adopt the said course of action.



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7.The second respondent's conduct has to be faulted on yet another ground. The learned counsel for the petitioner points out that the third respondent has already questioned the registration of settlement deed executed in favour of Poomari Ammal by Ayyana Thevar. The District Registrar, Palayamkottai passed order on 30.05.2023 relegating the third respondent to go before the jurisdictional Civil Court. The second respondent is subordinate to the first respondent. When the first respondent had already made it clear that the third respondent should go before the jurisdictional Civil Court, the second respondent erred in entertaining his objections.

8.On these twin grounds, the impugned refusal check slip is quashed. Balamurugan and the petitioner are permitted to re-present the petition mentioned sale deed. It shall be registered and released by the second respondent subject to fulfilment of other usual formalities. This writ petition is allowed. No costs.

15.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

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