



W.P(MD)No.7712 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7712 of 2024

K.Vellaichamy

... Petitioner

Vs.

1.The Joint Sub Registrar No.1,
Sivagangai District,
Sivagangai.

2.D.Seenivasan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in RFL / 1 Joint Sub Registrar Sivagangai / 2/2024 dated 20.03.2024 on the file of first respondent and quash the same and further directing the respondents to register the sale deed dated 19.03.2024.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.C.Satheesh
Government Advocate for R.1



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ORDER

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Heard both sides.

2.The petitioner purchased the petition mentioned property from one Thangamani vide sale deed dated 19.03.2024 was presented for registration. Citing the attachment made in O.S.No.46 of 2017 on the file of District Court, Sivagangai registration was refused. Challenging the same the present writ petition came to be filed.

3.The case of the petitioner is that the property originally belonged to one Murugesan. He died leaving behind one Manonmani and Mahesh Prabhu. Before dying, Murugesan parcelled the property and settled one portion in favour of wife Manonmani and other portion in favour of his son Mahesh Prabhu. Manonmani sold the property settled in her favour to one Thirugnanam. Thirugnanam sold the property to one Thangamani. From the said Thangamani, the petitioner purchased the property.

4.The learned counsel appearing for the petitioner states that the subject matter of O.S.No.46 of 2017 is not the property settled in favour



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of Manonmani. Only the property settled in favour of Mahesh Prabhu has been attached. He also would point out that Manonmani is not figuring as defendant in the suit. Mahesh Prabhu alone is figuring as defendant in the suit. If these facts put forth by the petitioner are correct, then obviously registration could not have been refused.

5. Without interfering with the impugned order, I permit the petitioner to appear before the first respondent on **12.04.2024 at 03.00 p.m.** The first respondent shall hold an enquiry. The first respondent will verify the correctness of the assertions now made before this Court. If they turn out to be true, then the document in question shall be accepted for registration and it shall be registered also.

6. This writ petition is disposed of accordingly. There shall be no order as to costs.

27.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

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G.R.SWAMINATHAN, J.

MGA

To

The Joint Sub Registrar No.1,
Sivagangai District,
Sivagangai.

Copy to

The District Court, Sivagangai.

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