



W.P(MD)No.10130 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.10130 of 2024

and

W.M.P(MD)No.9146 of 2024

S.Vasudevan

... Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Thoothukudi District,
Thoothukudi.

2.The Sub Registrar,
Sub Registrar Office,
Kayalpattinam,
Thoothukudi District.

3.Kasimari Shanmuga Sundaram Trust,
Represented by its Managing Trustee,
K.S.Anantharaman

... Respondents

(R – 3 is impleaded vide order dated 21.11.2024
made in W.M.P(MD)No.11444 of 2024)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to refusal check slip No.RFL/Kayalpattinam/46/2024 dated 07.03.2024 and quash the same and consequently direct the second respondent to register the refused sale deed dated 07.03.2024.



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For Petitioner : Mr.C.Rathina Vel Pandian
For RR 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader
For R – 3 : Mr.H.Arumugam

ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the second respondent dated 07.03.2024 thereby refusing to register the sale deed dated 07.03.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the petitioner, he had purchased the property comprised in Survey No.8/2 situated at Kayalpattinam, Thoothukudi District from the legal heirs of K.S.Mothilal vide registered sale deed dated 11.01.2017 in Document No.86 of 2017. However, in the refusal check slip issued by the second respondent, dated 07.03.2024, the Survey numbers have been mentioned as Survey Nos.25/A and 25/B under Patta No.3575. Thereafter, the



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petitioner intended to sell the subject property in favour of a third party and executed a sale deed. The said sale deed was presented before the second respondent for registration. It was refused to register the same on the ground that in respect of the subject property, the suit in O.S.No.151 of 2019 on the file of the District Munsif Court, Tiruchendur was filed for declaration and it is pending. That apart, the Writ Petition is also pending in W.P(MD)No.20316 of 2021 on the file of this Court.

4.The learned counsel appearing for the petitioner would submit that the writ Petition in W.P(MD)No.20316 of 2021 was already disposed of by this Court by order dated 21.04.2023, thereby directed the first respondent therein/the District Registrar, Thoothukudi to conduct an enquiry on the complaint lodged by counterparties and disposed of the same. As directed by this Court, the first respondent conducted a detailed enquiry and dismissed the complaint by order dated 26.09.2023. The suit in O.S.No.151 of 2019 is pending without any interim order.

5.The learned counsel appearing for the third respondent would submit that the third respondent Trust was



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created by one K.Shanmuga Sundaram by the registered trust deed dated 14.12.1979 vide Document No.1439 of 1979. The family members of the said K.Shanmuga Sundaram are the trustees. The trust was formed with the object of promoting education and related activities. In the name of the trust, several properties were purchased within Thoothukudi District. The properties under the various sale deeds are mentioned below:

Sl. No.	Documents Details	Village	Survey No.	Extent
1.	Doc.No.1539/1980 dated 20.12.1980 Kayalpattinam SRO	Kandasamypuram Village	235/2	12.18 acres
2.	Doc.No.1540/1980 dated 20.12.1980 Kayalpattinam SRO	Kandasamypuram Village	235/3	7.18 acres
3.	Doc.No.1121/1983 dated 21.09.1983 Kayalpattinam SRO	Kayalpattinam South Part Village	8/2	10.68 acres
4.	Doc.No.1125/1983 dated 22.09.1983 Kayalpattinam SRO	Kayalpattinam South Part Village	25A	8.19 acres
5.	Doc.No.1183/1983 dated 22.09.1983 Kayalpattinam SRO	Kayalpattinam South Part Village	25B	7 acres

6. Thereafter, there was a dispute between family members namely the Trustees of the third respondent trust. While



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being so, three trustees namely M.Thirunamam, M.Deepsundaram and M.Nandhini Devi had fraudulently executed a sale deed in respect of the trust property in favour of the petitioner by three sale deeds. Therefore, the trust filed a suit in O.S.No.151 of 2019 as against the defendants for declaration declaring those sale deeds as well as settlement deeds as null and void and it is pending. Further, as against the dismissal of the complaint lodged by the third respondent, the trust filed Writ Petitions in W.P(MD)Nos.10183 & 10184 of 2024 and both the Writ Petitions are pending before this Court. That apart, the third respondent trust also filed a Writ Petition in W.P(MD)No.10910 of 2024 challenging the issuance of patta in respect of the subject properties in favour of the petitioner here in which obtained an order of interim stay on 30.04.2024 and the main Writ Petition is pending. Therefore, the second respondent rightly refused to register the sale deed executed by the petitioner. Hence, this Court finds no infirmity or illegality in the refusal check slip issued by the second respondent, dated 07.03.2024. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

7.Accordingly, this Writ Petition is dismissed. There shall



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be no order as to costs. Consequently, connected Miscellaneous
Petition is closed.

21.11.2024
(1/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1.The District Registrar,
District Registrar Office,
Thoothukudi District,
Thoothukudi.

2.The Sub Registrar,
Sub Registrar Office,
Kayalpattinam,
Thoothukudi District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.10130 of 2024

21.11.2024
(1/3)