



W.P.(MD)No.10545 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.10545 of 2023

Muthumani

... Petitioner

Vs.

1.The Sub-Registrar,
Dindigul Joint – II,
Dindigul Collectorate Campus,
Dindigul District.

2.The District Registrar (Administration),
Dindigul Collectorate Campus,
Dindigul.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 1st respondent in his proceedings RFL/2 Joint Sub Registrar Dindigul/5/2023, dated 10.03.2023 and quash the same and consequently direct the 1st respondent to register the sale deed dated 23.12.2022 executed by S.Manikandan in favour of the petitioner and return the same to the petitioner within time stipulated by this Court.



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For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 1st respondent in his proceedings RFL/2 Joint Sub Registrar Dindigul/5/2023, dated 10.03.2023 and quash the same and consequently direct the 1st respondent to register the sale deed dated 23.12.2022 executed by S.Manikandan in favour of the petitioner and return the same to the petitioner within time stipulated by this Court.

2. It is the grievance of the petitioner that when the petitioner presented a sale deed for registration, the same was refused to be registered on the ground that Lok Adalat Award has been obtained fraudulently. Further, the registering authority has also decided the title issue. Challenging the same, the petitioner has filed this Writ Petition.



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3. It is the specific contention of the learned counsel for the petitioner that though a settlement deed was executed in favour of Minor Nethaji Subash Chandra Bose, who is the son of Manikandan, the same was cancelled on 09.11.2011. The petitioner along with one Kandavel entered into a sale agreement with one Manikandan, who is a guardian on behalf of Minor Nethaji Subash Chandra Bose, in respect of the subject properties. Since the said Manikandan did not execute the sale deed, the petitioner has filed a suit in O.S.No.401 of 2014. When the suit was pending, the suit was referred to Lok Adalat and the issue was settled and an award was passed on 03.11.2022. Based on the said award, a sale deed was executed in favour of the petitioner and the petitioner presented the said sale deed for registration. However, the same was refused to be registered through the impugned order, as if the 1st respondent viz., the Sub Registrar has been acted as an appellate authority. He further submits that when there is a lok adalat award passed by the competent Court, which is a decree as per Section 21 of Legal Services Authority, the 1st respondent has no authority to return the sale deed. Therefore, the impugned order is liable to be set aside.

4. The first respondent has filed a counter affidavit, wherein it is stated that the cancellation of settlement deed dated 09.11.2011 was not challenged by



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the vendor of the petitioner and there is an adverse entry in the encumbrance as against the alleged title of the vendor of the petitioner. It is further stated that suppressing all these facts, the petitioner got decree before the Lok Adalat, without adding necessary parties. Therefore, the sale deed produced by the petitioner cannot be registered.

5. Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the records, it is seen that with the consent of all the parties, Lok Adalat award has been passed and based on the said Lok Adalat Award, a sale deed has been executed in favour of the petitioner. Therefore, the Sub Registrar has no power to go into all the issues and decide the title by acting as an appellate authority. This aspect has already been elaborately discussed by this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the SubRegistrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]***. Therefore, the impugned order is liable to be set aside.



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7. Accordingly, the impugned order passed by the first respondent dated 10.03.2023 is quashed and the Writ Petition is allowed. The first respondent is directed to register the sale deed dated 23.12.2022, within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs.

30.08.2024

NCC : Yes/No
Index : Yes/No
vsm

To

- 1.The Sub-Registrar,
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- 2.The District Registrar (Administration),
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