



W.P (MD).No.9802 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.9802 of 2019

and

W.M.P(MD)No.7689 of 2019

and

W.M.P(MD)No.25750 of 2024

Lingam

...Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Pudukkottai.

2.The Sub-Registrar,
Gandharvakottai Sub Registrar Office,
Gandharvakottai Post & Taluk,
Pudukkottai District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in order dated 18.03.2019 in Refusal of Registration No.1/2019 and quash the same as illegal and in consequences there of direct the second respondent to register the sale deed dated 11.12.2018 executed by the petitioner in favour of Thangadurai.



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For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent dated 18.03.2019 thereby refused to register the sale deed dated 11.12.2018.

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

3. The petitioner derive title over the subject property by way of Will dated 03.06.2011 executed by one Samiayya. In order to develop the subject property, one Lingam executed the power of attorney in favour of one Narayanasamy, in turn, the power holder executed the sale deed in favour of the third party and presented the same for registration. However, it was refused to receive on the ground that the subject property also claimed by others and sold some of the extent of the subject property.



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4. The petitioner derive title over the property by way of will executed by one Samiayya dated 03.06.2011 at Singapore. The said Samiayya is the sole legal heir of one Subban. The Samiayya got married one Rajammal and no issues, therefore, the said Samiayya bequeathed the subject property and thereafter, the said Samiayya died on 28.08.2013. Even today, the petitioner did not take any steps to mutate the revenue records on the strength of the Will. Without any revenue records, he executed the sale deed through his power agent in favour of the third party. That apart, at the time of presentation of the document for registration, there was an objection by the third party that they have title over the property and also part of the property was sold out to third party. Therefore, without any mutation of revenue records in respect of the subject property the petitioner claiming title through the Will and no document can be presented for registration through will.

5. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is devoid of merits and it is liable to be dismissed.



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6. Accordingly, the writ petition is dismissed with liberty to the petitioner to represent the document after mutation of the revenue records in his father through the Will. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

19.12.2024

To

- 1.The District Registrar,
Department of Registration,
Pudukkottai.
- 2.The Sub-Registrar,
Gandharvakottai Sub Registrar Office,
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G.K.ILANTHIRAIYAN, J.

am

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