



W.P.(MD)No.13125 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.11.2024**

CORAM:

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

W.P.(MD)No.13125 of 2024

Mothilal Nehru

... Petitioner

/Vs./

The Sub Registrar
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal slip in RFL/Keelakarai/33/2024 dated 14.05.2024 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed presented by the petitioner within a time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj

For Respondent : Mr.S.P.Maharajan

Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the respondent dated 14.05.2024 , thereby, refused to register the sale deed presented by the petitioner on the ground that the third party is also claiming title over the subject property.

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

3. The property comprised in S.No.245/1 to an extent of 1.74 Acres out of 213 Acres situated at Kalimankundu Village, Keelakarai Taluk, Ramanathapuram District belonged to one Abdulla Sahib and he derived the title over the property through unregistered Will dated 05.01.1992, executed by his mother, viz., Mohammed Mohaideen Fathima. In turn, he intended to sell the subject property and executed a sale deed in favour of the petitioner on 14.05.2024 for a valid sale consideration. The said sale deed was presented for registration. However, it was



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refused to register by the respondent on the ground that there was an objection from the third party, viz., Shanmugasundaram and he claimed title over the subject property. The third party objected to register the sale deed on the ground that he is also one of the joint pattadhar for the subject property.

4. On perusal of the joint patta, the third party objector, viz., Shanmugasundaram, name is not found in the joint patta and it was issued in favour of the petitioner's vendor and the purchaser of the remaining property comprised in S.No.245/1. Therefore, the third party, viz., Shanmugasundaram failed to produce any document to show that he is also a joint owner of the subject property. While being so, mere objections cannot prevent the registration of the document, without any proof for title, for the subject property.

5. In view of the above, the refusal check slip issued by the respondent dated 14.05.2024, cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioner is directed to re-present the sale deed for registration before the respondent.



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On receipt of the same, the respondent is directed to register and release the same forthwith.

6. With the above direction, this Writ Petition is allowed.

No costs.

7. With the above direction, this Writ Petition is disposed of.

No costs.

27.11.2024

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS

TO:-

The Sub Registrar
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
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