



W.P (MD).No.15319 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

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

W.P (MD).No.15319 of 2024

Mohammed Yunus

... Petitioner

Vs.

The Sub-Registrar,
(Document Registration Department)
Kadambur Sub-Registrar Office,
Thoothukudi District.

... Respondent

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 impugned refusal check slip in Refusal No.RFL/கடம்பூர்/42/2024, dated 25.06.2024 passed by the respondent and quash the same and consequently direct the respondent to register the settlement deed presented by the petitioner dated 25.05.2024.

For Petitioner	: Mr.R.Anandharaj for Mr.S.Vishnuvardhan
For Respondent	: Mr.M.Sarangan Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent, dated 25.06.2024 thereby, refused to register the sale deed executed by the petitioner in favour of his brother in respect of the



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property comprised in Survey No.570, Maniyachi Village, Ottapidaram Taluk, Thoothukudi District to an extent of 11 acres and 47 cents.

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

3. The property comprised in Survey No.570 situated at Maniyachi Village, Ottapidaram Taluk, Thoothukudi District originally belonged to one Subbanaicker. He had executed a registered sale deed in favour of the petitioner, dated 13.10.2008 registered vide document No.1753 of 2008. On the date of purchase, the petitioner is in possession and enjoyment of the property and patta also issued in favour of the petitioner in Patta No.1132. On 25.06.2024, the petitioner decided to settle the property in favour of his brother and executed a settlement deed and it was presented for registration before the respondent. However, it was refused to register on the ground that there was two entries in respect of the very same property. On perusal of the Encumbrance Certificate it is seen that the subject property was already sold out by one Subbanaidu in favour of one Rengammal and Aadhilakshmi Ammal by two different sale deeds. However, the petitioner is in possession and enjoyment of the property and no one is claiming the subject property sofar.



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Only on perusal of the Encumbrance Certificate, it reveals that the subject property was sold out by one Subba Naidu, but the subject property owned by Subbanaicker. That apart, the petitioner's vendor, namely, Subbanaicker derive title from his family and also issued the patta No.1132 for the subject property. Therefore, the said Subbanaicker had title over the property and sold out the same in favour of the petitioner. In turn, the petitioner now settled the property in favour of his brother and presented the document for registration.

4. In view of the above, this Court finds infirmity in the order passed by the respondent, dated 25.06.2024 and it cannot be sustained and liable to be quashed.

5. Accordingly, this writ petition is allowed and the impugned order dated 25.06.2024, passed by the respondent, is hereby quashed. The petitioner is directed to represent the settlement deed for registration. On receipt of the same, the respondent is directed to register the settlement deed and release the document forthwith. No costs.

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

19.11.2024



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WEB COPY

To
The Sub-Registrar,
(Document Registration Department)
Kadambur Sub-Registrar Office,
Thoothukudi District.



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G.K.ILANTHIRAIYAN, J.

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