



W.P(MD)No.17746 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17746 of 2024

1.S.Solaiyammal
2.M.P.Shanmugam

... Petitioners

Vs

1.The District Registrar (A.I.G),
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Aruppukottai Sub Registrar Office,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal No.RFL/Aruppukottai/26/2024 of registration documents proceedings dated 19.07.2024 issued by the second respondent and quash the same as illegal and consequently direct the second respondent herein to register the said document presented by the petitioners with regard to the property of Plot Nos.97, 98, 99 an extent of 5651.5 sq.ft of land comprised in old Survey No.160/1C1A and New Survey No.160/54A situated in Palayampatti Village, Aruppukottai Sub Registrar Office, Virudhunagar District.

For Petitioners : Mr.P.N.Vengadeswaran

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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This Writ Petition has been filed by the petitioners challenging the refusal check slip issued by the second respondent dated 19.07.2024, thereby refusing to register the sale deed executed by the petitioners in favour of one Rajapandi in respect of Plot Nos.97, 98, 99 and 100 on the ground that there is suspicion in respect of the title over the property.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The property comprised in old Survey No.160/1C1A and new Survey No.160/54A situated at Palayamkottai Village, Aruppukottai Taluk, Virudhunagar District in Plot Nos.97 to 100 to an extent of 6812 square feet was purchased by the first petitioner from one Alagarsamy Naicker by the sale deed dated 27.04.2004 vide Document No.487 of 2004. Thereafter, the first respondent settled the subject property in favour of the second respondent by the registered settlement deed, dated 09.06.2016 vide Document No.3686 of 2016. In turn, the second petitioner had executed a settlement deed in favour of his son Senthil Kumar vide Document



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No.2028 of 2017 on 17.07.2017. Thereafter, his son Senthil Kumar had executed the sale deed in respect of Plot No.100 alone in favour of one Ganeshkumar by the registered sale deed dated 29.07.2017 vide Document No.2181 of 2017. Subsequently, the said Senthil Kumar died and the petitioners, who are the only legal heirs, derived title over the property situated in Plot Nos.97 to 99. Thereafter, they executed a sale deed in favour of one Rajapandi in respect of Plot Nos.97 to 99 admeasuring 5651.5 square meters comprised in old Survey No.160/1C and new Survey No.160/1C1A situated at Palayampatti Village, Aruppukottai Taluk, District District and presented the sale deed for registration. However, the second respondent refused to register the sale deed on the ground that there is suspicion in title over the property.

4.On perusal of the records would reveal that the first petitioner had purchased Plot Nos.97 to 100 for valid consideration and thereafter executed a settlement deed in favour of the second petitioner. In turn, the second petitioner executed a settlement deed in favour of his son Senthil Kumar and he executed a sale deed in respect of Plot No.100 alone in favour of one Ganeshkumar. After the demise of the said Senthil Kumar, the petitioners, who are the



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legal heirs, have title over the subject properties and executed a sale deed in favour of Rajapandi in respect of Plot Nos.97 to 99.

Therefore, this court finds no cloud over the title in favour of the petitioners and they rightly executed the sale deed. In view of the above, the impugned refusal check slip issued by the second respondent, dated 19.07.2024 cannot be sustained and the same is liable to be quashed.

5. Accordingly, the impugned refusal check slip issued by the second respondent, dated 19.07.2024 is quashed. The petitioners are directed to represent the sale deed for registration before the second respondent and on receipt of the same, the second respondent is directed to register the sale deed and release the same forthwith.

6. With the above directions, this Writ Petition is allowed.
There shall be no order as to costs.

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(1/2)

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



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To

- 1.The District Registrar (A.I.G),
Virudhunagar District,
Virudhunagar.
- 2.The Sub Registrar,
Aruppukottai Sub Registrar Office,
Virudhunagar District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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(1/2)