



W.P.(MD)No.18248 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.18248 of 2024

Behin

...Petitioner

-Vs-

1.The State of Tamil Nadu
Rep. By its the Inspector General of Registration,
No.100, Santhom High Road,
Mayilapure, Chennai – 28.

2.The District Registrar,
O/o.District Registrar Office,
Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
O/o.Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned refusal slip No.RFL/Melapalayam/20/2024 dated 13.03.2024, issued by the 3rd respondent in the petitioner's Application No.TP/188078842/2024 dated 15.07.2024, and quash the same is illegal and consequently direct the 3rd respondent to registered the petitioner's Application No.TP/188078842/2024 dated 15.07.2024 and issue Registered Document



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Number and to release the document after registration, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnu Varthanan

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

ORDER

This writ petition has been filed challenging the refusal slip issued by the third respondent dated 13.03.2024, thereby refused to register the sale deed which was presented for registration by the petitioner on the ground that the subject property is also claimed under patta.

2.The property comprising in Survey No.229/1B situated at Munneerpallam, Melapalayam Taluk, Tirunelveli District belongs to petitioner's vendor in Old Patta No.1043 and New Patta No.8045. All the revenue records stand in the name of the petitioner's vendor. The petitioner's vendor purchased the said property by registering sale deed, dated 29.12.2021 vide document No.4051 of 2022. That apart, the title of the said property also confirmed by the civil Court in O.S.No.55 of 2022 by the judgment and decree dated 02.04.2024 on the file of the III Additional District Court, Tirunelveli in favour of the petitioner's vendor.



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3. Further, the said judgment and decree was also registered on 19.06.2024 vide document No.4394 of 2024. After verification of all those documents, the petitioner has purchased the said property and presented for registration on 12.03.2024. Though no rival party to object the registration of the sale deed, the third respondent refused to register the same by referring other survey numbers and stated that the property was already registered in favour of the five persons vide document No.3467 of 1965 executed by one Gnanaselvam.

4. On perusal of the encumbrance certificate also reveals that the petitioner's vendor has obtained declaration of decree in respect of the subject property and the same was also registered vide document No.4394 of 2024. Therefore, the petitioner's vendor had title over the said property and sold out in favour of the petitioner.

5. Without considering the decree by the civil Court, the third respondent mechanically refused to register the sale deed which was presented for registration by the petitioner. In view of the same, the impugned order cannot be sustained and is liable to be quashed. The petitioner is directed to re-present



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the sale deed for registration and on receipt of the same, third respondent is directed to register and deliver the same forthwith.

6. With the above said directions, this writ petition stands allowed. No costs.

19.11.2024

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

To

1. The Inspector General of Registration,
No.100, Santhom High Road,
Mayilapure, Chennai – 28.

2. The District Registrar,
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G.K.ILANTHIRAIYAN. J,

RJR

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