



W.P(MD)No.20990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P(MD)No.20990 of 2024

Anandharani

... Petitioner

Vs.

The Sub Registrar,  
Thamaraipatti Sub Registrar Office,  
Chittampatti, Madurai District.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip of the respondent in RFL/Thamaraipatti/19/2024 dated 12.08.2024 and quash the same and consequently, to direct the respondent to register the settlement deed dated 12.08.2024 within the time fixed by this Court.

For Petitioner : Mr.B.Azhagesh

For Respondent : Mr.P.Subbaraj,

Special Government Pleader

### **ORDER**

Challenge has been made to the refusal check slip issued by the respondent dated 12.08.2024.



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2.It is the case of the petitioner that her father purchased the property in S.No.114/25 measuring to an extent of 1200 sq.ft at 'F' Block, Angayarkanni Nagar, Poolampatti Village, Madurai East through sale deed dated 05.02.2002 from one Baskaran. Since then, he was in possession and enjoyment of the property in question. He died in the year 2008 and therefore, the petitioner's mother, namely, Chittupillai, brother, namely, Krishnamoorthy, sister, namely, Ramani and the petitioner are in possession and enjoyment of the property in question. Thereafter, in the year 2024, the petitioner's mother, sister and the petitioner decided to settle property in favour of her brother Krishnamoorthy and executed a settlement deed dated 12.08.2024. When the same is presented for registration, it was refused by the respondent, vide refusal check slip dated 12.08.2024, on the ground that there are two entries in respect of the property in question. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.A perusal of the affidavit filed in support of this petition shows that the vendor of the petitioner's father, namely, Baskaran through his general power agent, namely, Murugan again sold the same property to one Narayanan in the year 2006 and the same was registered.



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4.In such view of the matter, this Court is of the view that merely because the same property has been once again dealt in the year 2006, it cannot be a reason to refuse the document. The title is always based on the priority right created in respect of the property in question. The property in question was conveyed by the petitioner's father in the year 2002. Therefore, subsequent transaction will not convey title and priority rights can be agitated before the civil Court.

5.In view of the above, the impugned order of the respondent dated 12.08.2024 is quashed. The respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is allowed. No costs.

**03.09.2024**

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

*Yuva*



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**N.SATHISH KUMAR, J**

*Yuva*

To  
The Sub Registrar,  
Thamaraipatti Sub Registrar Office,  
Chittampatti, Madurai District.

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