



WP(MD). No.22583 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22583 of 2024

S.Sivakumar

... Petitioner

Vs

1. The District Registrar,
District Registrar Office,
Trichirappalli..

2. The Sub-Registrar,
Keezhsathanur,
Tiruchirappalli District..

... Respondents

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 issued by the 2nd respondent in Refusal Number. RFL/Keezhsathanur/103/2024 dated 08.08.2024 as illegal and quash the same and consequently direct the 2nd respondent to register the sale agreement presented by the petitioner in TP/183533002/2024 and release the same within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.I Abrar Mohamed Abdullah,
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent in Refusal Number. RFL/Keezhsathanur/103/2024 dated 08.08.2024 and consequently direct the 2nd respondent to register the sale agreement presented by the petitioner in TP/183533002/2024 and release the same within a stipulated time that may be fixed by this Court.

2. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The petitioner presented a sale agreement in respect of S.No. 190/2 to an extent of 5.89 acres. The same has been refused to be registered on the ground that there was already a partition deed registered in respect of the subject property in Doc.No.4881/2019.



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4. The learned counsel for the petitioner would submit that the petitioner was tracing the title based on the allotment made in a final decree proceeding in OS No.482/1988, wherein, one Devaki, second defendant in the suit was allotted 5.89 acres in S.No.190/2 and now the petitioner has entered an agreement in the said land. Now merely on the basis of some third party, documents have been recorded in some survey number and the land of the petitioner cannot be taken away. Challenging such refusal, the petitioner is before this Court.

5. The learned Additional Government Pleader, on instructions, would submit that there was partition deed, which was registered for the same survey number and some sale deed has been executed.

6. I have considered the rival submissions and perused the materials available on record.

7. It is relevant to note that merely because on the basis of the third party or some entry made in the document, the right of the parties will not take away. The rights of the parties is determined only on the basis



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of the perfect title that derived. The petitioner is claiming title on the basis of the partition deed, final decree proceedings of the year 2014 in IA No.723/2008 and orders have been passed in the year 2012. Merely because there are subsequent partition deed among third parties, that will not take away the right. Whether the third party or the petitioner have got right can be ascertained only after the document has been properly registered and in that event, the rights would be established before the Court of law.

8. In such view of the matter, the writ petition is allowed and the impugned order stands quashed. The respondents are directed to register the document within a period of 15 days from the date of receipt of a copy of this order. No costs.

23.09.2024

RR

TO

1. The District Registrar,
District Registrar Office,
Trichirappalli..
2. The Sub-Registrar,
Keezhsathanur,
Tiruchirappalli District..

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N.SATHISH KUMAR,J

RR

**ORDER
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