



W.P(MD)No.23259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.23259 of 2024

and

W.M.P(MD)No.19699 of 2024

Karuppaiah @ Karuppannan

... Petitioner

Vs

The Joint Sub Registrar No.II,
Sub-Registrar Office,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned refusal check slip bearing refusal No.RFL/2 No. Joint Sub Registrar Dindigul/41/2024 dated 30.07.2024 on the file of the respondent and quash the same and further directing the respondent to entertain registration of the sale deed as presented by the petitioner.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

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This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the respondent dated 30.07.2024 on the ground that there is a parallel entry in respect of the subject property in the encumbrance.

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

3.The property comprised in Survey Nos.542/1B, 542/1D, 542/2B, 542/2E and a well in Survey No.542/2C situated in Pallapatti Village, Dindigul West Taluk, Dindigul District was purchased by the petitioner's grandmother one Ponnammal by registered sale deed dated 13.07.1936. She died leaving behind her only son by name Perumal as her legal heir. The said Perumal gave birth to three sons. After his demise, three sons including the petitioner became the absolute owner of the subject property and all the revenue records were mutated in their names and they were also issued patta. In the meanwhile, the revenue records were mutated in the name of Abdul Salam and Noor Mohammed.



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Therefore, all the legal heirs of the said Perumal including the petitioner had filed a suit in O.S.No.353 of 1996 on the file of the II Additional District Munsif Court, Dindigul, for declaration and permanent injunction in respect of the subject property. The said suit was decreed in their favour by judgment and decree dated 25.02.1998. Thereafter, their mother also passed away and they are in possession and enjoyment of the entire property. While so, the petitioner and his brothers intended to jointly sell the subject property in favour of the third party on 18.07.2024 and it was presented for registration before the respondent and the same was refused to register on the ground that there is double entry in respect of the subject property.

4.The learned counsel appearing for the respondent would submit that even after the decree dated 25.02.1998, there was a transaction in respect of the very same subject property on 19.05.2008 and thereby K.M.Noor Mohammed and M.Salema Begum sold the subject property in favour of Kathijabeevi vide Document No.2728 of 2008.



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5. On perusal of the records would reveal that the petitioner and his family members obtained judgment and decree in O.S.No.353 of 1996 on the file of the II Additional District Munsif Court, Dindigul and the same was registered on the file of the respondent on 18.07.2024 vide Document No.5513 of 2024. That apart, the petitioner and his brothers are in possession and enjoyment of the subject property. They were also issued joint patta No.685. In view of the judgment and decree in respect of the subject property in favour of the petitioner and his family members, the subsequent transaction in respect of the subject property is non-est in the eye of law and does not give any legal sanctity. Though there is an entry in the encumbrance in respect of the subject property, so far no one has come forward to object to the registration of the sale deed which was executed by the petitioner and his brothers. In view of the above, the impugned check slip issued by the respondent dated 30.07.2024 cannot be sustained and the same is liable to be quashed.

6. Accordingly, the impugned check slip issued by the respondent dated 30.07.2024 is quashed. The petitioner and his brothers are directed to represent the sale deed for registration



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before the respondent. On receipt of the same, the respondent is directed to register and release the same forthwith.

7. With the above directions, this Writ Petition is allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

26.11.2024

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

To

The Joint Sub Registrar No.II,
Sub-Registrar Office,
Dindigul District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.23259 of 2024

26.11.2024