



WP(MD). No.24179 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 15/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24179 of 2024

Shanthi

... Petitioner

Vs

**The Joint II Sub Registrar,
Virudhunagar,
Virudhunagar 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 impugned order passed by the respondent in RFL/2 No. Joint Registrar Virudhunagar/Book 2/4/2024 dated 12.09.2024 and quash the same as illegal and unconstitutional and consequently direct the respondent to forthwith register and release the Deed of Settlement dated 12.09.2024 presented by the petitioner with reference to TP/194374578/2024.

**For Petitioner : Mr.Balamurugan S,
For Respondent : Mr.M.Siddharthan
Addl. Government Pleader**



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ORDER

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

2. The writ petition has been filed challenging the impugned order of the respondent dated 12.09.2024 and consequently direct the respondent to forthwith register and release the Deed of Settlement dated 12.09.2024 presented by the petitioner with reference to TP/194374578/2024.

3. It is the case of the petitioner that the subject property is the ancestral property of the petitioner's husband. After the death of her husband, the properties were devolved on the petitioner, her daughter and her mother-in-law and her mother-in-law has sold some of the undivided joint family properties and therefore, the petitioner and her daughter filed a partition suit, where all the purchasers of her mother-in-law were also impleaded. When the petitioner presented a sale deed for registration, the same has been refused to be registered on the ground that the petitioner's husband has already sold some portion of the land to one Nagarajan.



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Therefore, there is a doubt with regard to the title.

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4. The learned counsel for the petitioner would submit that the petitioner and her daughter allowed 2/3rd share in the partition suit in OS No.25/2008 and final decree was also passed in the said suit and all the subsequent purchasers were made as party. When such being the position, the registering authority cannot decide the title merely on the basis of some doubt entertained and refused to register the document.

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

6. At the outset, as rightly pointed out by the learned counsel for the petitioner that there was a suit filed by the petitioner in OS No. 25/2008 and a final decree was also passed on 19.04.2017. Pursuant to the said right declared before the civil Court, the document in question was presented for registration. When the document was presented merely citing the reason that the petitioner's husband already sold some portion to one Nagarajan, the document refused to be registered. It is to



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be noted that subsequent purchasers were also made as parties in the suit.

When that be the case, it is for the subsequent purchasers and others to claim their right on the basis of the final decree and it is not for the respondent to go into the title issue.

7. For all these reasons, the writ petition is allowed and the refusal slip stands quashed and the respondent is directed to register the document within a period of one week from the date of receipt of a copy of this order. No costs.

15.10.2024

NCC : Yes/No
Index : Yes/No
RR

TO
1. The Joint Li Sub Registrar,
Virudhunagar,
Virudhunagar District.



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N.SATHISH KUMAR,J

RR

**ORDER
IN
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