



W.P.(MD)No.24000 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24000 of 2024
and W.M.P(MD).No.20322 of 2024

M.Manikandan

. .. Petitioner

Vs.

The Sub Registrar,
Tharagampatti,
Karur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent made in impugned refusal No.RFL/Tharagampatti/9/2024 dated 06.03.2024 and quash the same and consequently direct the respondent to register the sale deed dated 04.12.2023 presented by the petitioner.

For Petitioner : Mr.R.Murali
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the impugned refusal check slip in refusal No.RFL/Tharagampatti/9/2024 dated 06.03.2024 issued by the respondent, the petitioner has filed this writ petition.



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

3. It is the grievance of the petitioner that when he presented the document of sale deed, which was executed by one Shanmugam and his sisters in respect of the property in S.Nos.42/1, 42/2 and 42/11 having an extent of 2 acres 30 cents of punja land situated at Karur District, Kadavoor Taluk, Mavathur Village, before the respondent for registration, the same was refused by register citing the subject property belongs to third party. Aggrieved by the same, this petitioner is before this Court.

4. At the outset, when the purchaser is satisfied with the title and entering to the deed, even after verifying the encumbrance, it is the risk of the party, who purchase the property. Further, to establish the correct title over the property, the registered document is *sine quo non*. When the property has already been registered and title has already been conveyed in favour of the third party, mere registration of the document in favour of the petitioner will not convey any better title. The right will always subject to the prior right created in an earlier document. That



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apart, the sub register has no power to go into this aspect in view of judgment rendered in the case of ***Subramani Vs., The Sub Registrar.***

5. In view of the above, the impugned refusal check slip issued by the respondent in Refusal No.RFL/Tharagampatti/9/2024 dated 06.03.2024 is hereby quashed and this Writ Petition is **allowed**. The respondent is directed to register the document presented by the petitioner within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

14.10.2024

Index : Yes / No
NCC : Yes / No
Rmk

To

The Sub Registrar,
Tharagampatti,
Karur District.



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N.SATHISH KUMAR, J.

Rmk

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