



W.P.(MD)No.25203 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.25203 of 2024

and

W.M.P.(MD)No.21410 of 2024

Axelin Thiraviyam

... Petitioner

/Vs./

1. The District Registrar,
Trichy District,
Trichy.
2. The Sub Registrar,
Manapparai,
Trichy District.
3. The Tahsildar,
Manapparai Taluk,
Trichy District.
4. The Village Administrative Officer,
No. 21, Sevalur Village,
Manapparai Sub Division,
Manapparai Taluk,
Trichy District.
5. The Firka Surveyor,
Manapparai Taluk,
Trichy District.



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6. Danial Albert

7. S.Padmapriya

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the refusal check slip dated 30.07.2024 in Refusal No. RFL/Manapparai/279/2024 and quash the same as illegal, arbitrary and consequently directing the respondents to register the petitioner's document made in temporary registration no. TP/189563639/2024 in respect of T.S.No. 8/5 in Plot No. 35 on 25.07.2024 at Sevalur Village, Manapparai Taluk, Trichy District within a time frame fixed by this Court.

For Petitioner : Mr.N.Shanmuga Selvam

For Respondents : Mr.D.Sadiq Raja (R1 to R5)

Additional Government Pleader

Mr.A.Lurdu Raj (R6)

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 30.07.2024 issued by the second respondent thereby refused to register the sale deed presented for registration in respect of the property in T.S.No. 8/5 in Plot No. 35 on 25.07.2024 at Sevalur Village, Manapparai Taluk, Trichy District.



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

3. According to the petitioner, the sixth respondent is causing trouble to the petitioner. The subject property is derived from the registered will executed by his grandfather dated 31.10.2005 vide Document No.76/2005. As per the will, 'I' schedule property was allotted in favour of the sixth respondent. As per the will, the petitioner and the sixth respondent are having equal shares in the total extent of the property. Accordingly, plot nos.33 to 38 and 49 comprised in S.No.8/5 at Sevalur Village, Manapparai Taluk, Trichy District are allotted in favour of the petitioner and plot nos.28 to 26 in S.No.8/1 and plot no.28 to 32 in S.No.88/4 at Sevalur Village, Manapparai Taluk, Trichy District are allotted in favour of the sixth respondent.

4. While this being so, the sixth respondent had executed the sale deed in favour of the seventh respondent in respect of plot no.35 on 25.03.2021 and registered the same vide Document No.2067/21. For the very same property, the petitioner now executed the sale deed in favour



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of one Amjad Ali and presented the sale deed for registration. Therefore, the second respondent rightly refused to register the same on the ground that the sixth respondent had already executed the sale deed in favour of the seventh respondent in respect of the very same property.

5. A perusal of the will executed by the petitioner's grandfather also revealed that the petitioner and the sixth respondent were bequeathed in respect of the property in plot nos.9, 12, 13, 18 to 38, 49 to 51 and 81 to 83 comprised in S.No.780/1, situated at Sevalur Village, Manapparai Taluk, Trichy District. That apart, once the sixth respondent had executed the sale deed in favour of the seventh respondent in respect of the very same property, no second sale deed can be executed for the very same property.

6. Further, it is to be seen that the dispute between the petitioner and the sixth respondent is in respect of the division of the property as per the will. Therefore, once earlier sale deed is very much in existence, vide document No.2067/21, for the very same property, the second sale deed cannot be executed. Therefore, the petitioner ought to have



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approached the civil Court for appropriate relief as against the registration of the sale deed by the sixth respondent in favour of the seventh respondent. There is no infirmity or illegality in the impugned refusal check slip issued by the second respondent. This writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
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3. The Tahsildar,
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G.K.ILANTHIRAIYAN, J.

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Order made in
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Dated:
13.11.2024