



WP(MD). No.26624 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.26624 of 2022 and
WMP(MD) No.20823 of 2022**

Surilivel Samy.P

... Petitioner

Vs

1. The Inspector General (Registration),
Government of Tamil Nadu,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai 600 028.

2. The Deputy Inspector General,
(Registration) /, Appellate Authority,
Combined Registration Department
Complex, Rajakambeeram, Othakadai,
Madurai 625 107.

3. The District Registrar (Registration),
O/o. the District Registrar,
Periyakulam, Theni District..

4. Rajakannu,
S/o Manickam, No.15.1.2/5, V.O.C.Street,
C.M.School Road, B.Renganathapuram,
Bodinayakkanur, Theni District..

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No. 1295/Aa4/ 2022, dated 10.10.2022 on the file of the Respondent No.2 and quash the same as illegal.

For Petitioner : M/s. Louis.S,
For Respondents : Mr.P.Subbaraj for R1 to R3
Special Government Pleader
Mr.H.Thayumanasamy for R4

ORDER

Challenge has been made to the impugned order dated 10.10.2022 of the 2nd respondent, wherein, a direction was given to make necessary endorsement with respect to the sale deed already registered in respect of the subject property.

2. The brief facts which are necessary for the disposal of the writ petition is as follows:

The subject property for an extent of 144 acres is originally owned by Ramalingam Asari. His three children, viz., Vivekanandan, Vasu and Ponmani have sold the property to Senrayan, Rathamani and Subramani on 10.07.1997 and out of the said extent, the 4th respondent has



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purchased 72 cents. The remaining 72 cents has purchased by third parties. In the meanwhile, one Ponmani has sold her share ie., an extent of 8½ cents each to the writ petitioner and another. While so, a complaint has been given by the 4th respondent before the District Registrar and on the same, the District Registrar passed an order directing the parties to go before the civil Court. Challenging the same, appeal has not been filed. However, the petitioner was called for for submitting his explanation and the 4th respondent has filed an appeal. The explanation given by the petitioner was treated as an appeal and the impugned order came to be passed thereby it was directed to make necessary endorsement in the document. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would mainly submit that one Ponmani has not sold the property and only her brothers has dealt with the property, wherein, Ponmani's share has also been dealt with and sold. Therefore, according to the learned counsel, the District Registrar cannot make such entry.



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

5. The impugned order is with regard to making entry with regard to previous sale dated 10.07.1997. Admittedly, these are all the registered documents and entries are always there in encumbrance. Therefore, it will not make any significance and it will not change the rights of the parties. Admittedly suits are pending between the parties in OS No.10/2022. It is also submitted by the 4th respondent that already suit has been filed by the predecessor in title in the subject matter, which was dismissed. The rights of the parties will be agitated in the pending suit.

6. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

11.09.2024

RR



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N.SATHISH KUMAR,J

RR

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