



W.P(MD)No.26270 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.26270 of 2024

and

W.M.P.(MD)No.22270 of 2024

Gandhimathi

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Madurai Road, Tirumangalam,
Madurai.

2.Subramanian

... Respondents

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 entire records in connection with the impugned order passed by the 1st respondent herein passed orders vide proceedings Reference Na.Ka.No. 348/2024, dated 10.10.2024 and proceedings Reference No.RFL/Thirumangalam/14/2024, dated 10.10.2024 and quash the same and consequently, to direct the 1st respondent herein to register the sale deed in favour of the petitioner submitted by her on 10.10.2024.

For Petitioner : Mr.Niranjan S.Kumar

For R1 : Mr.P.Subbaraj,
Special Government Pleader

For R2 : Mr.C.Karthikeyan



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. According to the petitioner, when she presented the sale deed, which is executed in her favour by the 2nd respondent in respect of the property in Re.S.No.151/9, to an extent of 18 ½ cents situated at Nadukotai Village, Thirumangalam Taluk, Madurai District, for registration, the 1st respondent refused to receive the same on the ground that a protest petition has been filed by one Durai Gopalsamy, who claims to have acquired the property in question from the 2nd respondent. Thereby, the 1st respondent sent a notice to the parties on 05.10.2024. Pursuant to which, the 2nd respondent appeared before the 1st respondent and expressed his willingness to execute the document in favour of the petitioner and he has also given a letter in writing to execute the document. However, 1st respondent, vide refusal check slip dated 10.10.2024, has refused to register the document. Challenging the same, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the 2nd respondent would submit that the 2nd respondent is willing to execute the document only in favour of the



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petitioner and he is not willing to execute any document in favour of the said Durai Gopalsamy, who is the son of MLA of the ruling party. Further, the 2nd respondent has also given a complaint in this regard.

4.This Court is of the view that when the 2nd respondent / executant himself has agreed to execute the document only in favour of the petitioner, merely by filing protest petition, the third party cannot object the registration. If there is any right created in favour of the third party by way of agreement, it is for him to establish the same in the manner known to law by enforcing the agreement in a competent civil Court.

5.In such view of the matter, the impugned order passed by the 1st respondent is quashed and this Writ Petition is allowed with a direction to the 1st respondent to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

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

Yuva



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N.SATHISH KUMAR, J

Yuva

To
The Sub Registrar,
Office of the Sub Registrar,
Madurai Road, Tirumangalam,
Madurai.

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