



W.P.(MD)No.26521 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2024**

CORAM:

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

W.P.(MD)No.26521 of 2024

B.Asokan

... Petitioner

/Vs./

1.The Inspector General of Registration,
Registration Department,
Santhome High Road, Chennai.

2.The Sub Registrar,
Sub Registrar Office,
Nilakkottai,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in impugned Refusal Check Slip in Refusal No. RFL/Nilakkottai/99/2024 dated 27.09.2024 and quash the same as illegal and consequently, direct the 2nd respondent to register the sale deed submitted by the petitioner for landed property for an extent of 1.98 acres comprised in Survey No.300/27 situated at Kovanoothu Village, Nilakkottai Taluk, Dindigul District within a time frame that may be stipulated by this Court.



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For Petitioner : Mr.R.Kannan
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 27.09.2024 thereby refused to register the sale deed, which was presented for registration for the property comprised in Survey No.300/27, measuring to an extent of 1.98 acres situated at Kovanoothu Village, Nilakkottai Taluk, Dindigul District.

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

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



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4. The case of the petitioner is that the petitioner's vendor, one Anguraj had purchased the subject property from one Prema, by the registered sale deed dated 19.10.2002 vide Document No.1819/2002, and he is entitled to sell the property in favour of the petitioner and executed a sale deed in favour of the petitioner and when it was presented for registration, the second respondent refused to register the same vide his refusal check slip dated 27.09.2024 on the ground that in respect of the subject property, there are various registrations already made.

5. The learned counsel appearing for the petitioner would submit that the petitioner's vendor's vendor, namely Prema had executed a power of attorney in favour of one Meganathan. On the strength of the power of attorney, the said Meganathan executed sale deeds in favour of third parties including the subject property. Therefore, the petitioner's vendor, N.Anguraj, filed a suit in O.S.No.266 of 2013 on the file of the District Munsif, Nilakkottai, seeking for declaration and permanent injunction, as against the persons who have already purchased the same property. The said suit was decreed by judgment and decree dated 07.04.2016 as



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against the persons, who have purchased the same property, which became final, since no appeal has been preferred by other purchasers. Now, the second respondent refused to register the sale deed on the ground that various persons had purchased the very same property by subdividing as house plots. After passing of the judgment and decree in favour of the petitioner's vendor, he was also issued with patta No.1983 for the subject property, Therefore, now, the petitioner's vendor is entitled to sell the property in favour of the petitioner and has executed the sale deed and presented for registration.

6. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner's vendor had purchased the property from one Prema's power of attorney namely, Meganathan. Whereas the said Prema had cancelled the said power of attorney executed in favour of the said Meganathan and had also executed another power of attorney in favour of one Sivagami, who in turn, had sold out the house plots in favour of various persons, including the subject property.



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7. The petitioner's vendor filed a suit in O.S.No.266 of 2013 on the file of the District Munsif, Nilakkottai, seeking for declaration and permanent injunction and the same was decreed vide judgment and decree dated 07.04.2016, declaring that the subject property is in favour of the petitioner's vendor, as against the persons, who have purchased the very same property, against which, no appeal has been preferred. Therefore, the petitioner's vendor has perfect title over the subject property and executed the sale deed in favour of the petitioner.

8. In view of the above, the impugned refusal check slip dated 27.09.2024 cannot be sustained and is liable to be quashed. Accordingly, the impugned refusal check slip dated 27.09.2024 is hereby quashed. The petitioner is directed to re-present the sale deed executed in favour of the petitioner for registration and on receipt of the same, the second respondent shall register the same and release the sale deed in favour of the petitioner. It is made clear that if there is any objection raised by any other rival parties, the second respondent shall conduct an enquiry and pass orders to register the sale deed, in the light of the observations made above.



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9. In the result, this writ petition is allowed. No costs.

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Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The Inspector General of Registration,
Registration Department,
Santhome High Road, Chennai.

- 2.The Sub Registrar,
Sub Registrar Office,
Nilakkottai,
Dindigul District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
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