



W.P (MD).No.26721 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

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

W.P (MD).No.26721 of 2024

Santhaseelan

... Petitioner

Vs.

The Sub-Registrar,
Vickramasingapuram Sub-Registrar Office,
Tirunelveli District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Refusal Check Slip in Refusal Number.RFL/Vickramasingapuram/96/2024, dated 05.11.2024 was issued by the respondent and quash the same as illegal and consequently directed the respondent to register the petitioner's sale deed dated 24.10.2024 in respect of the property in Ayan Punjai Survey Number 291/1B to an extent of 1292 Sq.Ft (120.02 Sq.Mts) along with constructed house in Door No.17D/1 situated at West Street, Pasukidaivillai, Vickramasingapuram Part-I Village, Vickramasingapuram Sub-Registration circle, Cheranmahadevi Registration District within a stipulated period as framed by this Court.



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For Petitioner : Mr.A.Sankararamasubramanian
For Respondent : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging Refusal Check Slip issued by the respondent, dated 05.11.2024, thereby refused to register the sale deed executed in favour of the petitioner dated 24.10.2024.

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

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

4. The petitioner's vendor owned a land comprised in Survey No. 291/1B to an extent of 1292 Sq.Ft., along with constructed house in Door No. 17D/1 situated at West Street, Pasukidaivillai, Vickramasingam Part-I Village, Cheranmahadevi, Tirunelveli District. However, the vendor was issued with joint patta in respect of the subject property along with other persons. In fact,



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the petitioner had purchased the subject property as a vacant land without any sale deed and thereafter, constructed a house. The said house has been assessed to the property tax and all other amenities. All the records stand in the name of the petitioner. However, the vendor did not register any sale deed in favour of the petitioner. Now, the vendor had executed a sale deed in favour of the petitioner and presented for registration. The respondents refused to register the sale deed only on the ground that the petitioner's vendor was issued joint patta and as such, directed the petitioner's vendor to produce the separate patta for the subject land. The petitioner's vendor owned several house plots in which, the subject property is alone left out without any sale. In fact, though it was purchased by the petitioner, no sale deed was executed in favour of the petitioner. That apart, admittedly, the patta stands in the name of the petitioner's vendor in respect of the property though it was joint patta. Therefore, the petitioner's vendor had valid title over the property. Accordingly, he had executed the sale deed in favour of the petitioner.

5. In view of the above, this Court finds infirmity in the order passed by the respondent and it is liable to be quashed. Accordingly, the impugned refusal check slip dated 05.11.2024 is hereby quashed. The petitioner is directed to re-present the sale deed for registration within a period of one week



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from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to register the sale deed presented by the petitioner and release the document in favour of the petitioner forthwith. Accordingly, this writ petition is allowed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

08.11.2024

To

The Sub-Registrar,
Vickramasingapuram Sub-Registrar Office,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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