



W.M.P.(MD) No.24193 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.M.P.(MD) No.24193 of 2024

in

W.P.(MD) No.11976 of 2021

Mayandi Thevar

..... Petitioner / Third party

-Versus-

1. Venkateswaran
2. Jegadheeswaran
- 3.The Inspector General of Registration,
Department of Registration,
No.100, Santhome, Chennai.
- 4.The Deputy Inspector General of Registration,
Department of Registration,
Othakadai, Madurai.
- 5.The District Registrar,
Periyakulam Sub Division,
Periyakulam, Theni District.
6. The Sub Registrar,
Sub Registrar Office,
Usilampatti, Madurai District.
7. Rajesh Kannan



W.M.P.(MD) No.24193 of 2024

8. Aatchiammal

(R8 was suo-motu impleaded as per the order of this court during the pendency of writ petition by order dated 20.12.2023 made in W.P.(MD) No.11976 of 2021)

..... Respondents / Respondents

Miscellaneous Petition by a third party to the writ petition praying to grant leave to the petitioner to file a recall petition against the order dated 13.08.2024 made in W.P.(MD) No.11976 of 2021.

Prayer in WP(MD).No. 11976/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus calling for the records pertaining to check slip in RFL/Usilampatti/35/2021, dated 05.07.2021 and RFL/Usilampatti/36/2021, dated 05.07.2021 respectively issued by the 2nd respondent herein and quash it and further direct the 2nd respondents to register both documents presented to the 2nd registrar pertaining to the 1308 sq.feet and 3052 Sq. Feet house site available in Survey Number 211/3K, 211/3M and 270/1 of Seemanuthu Revenue Village, Usilampatti Taluk in 1st petitioners name and 2nd petitioners name respectively.



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W.M.P.(MD) No.24193 of 2024

For Petitioner : *Ms.B.Kalpana*
For Respondent(s) : *Mr.Ragul Priyan K*
for RR1 and 2
Mr.S.P.Maharajan,
Special Government Pleader
for RR3 to 6

ORDER

This miscellaneous petition has been filed by a third party to the writ petition craving leave to file a petition seeking to recall the order of this court dated 13.08.2024 made in W.P.(MD) NO.11976 of 2021.

2. After taking into account the legal position [see Subramani v. Sub Registrar and others [(2024) 3 MLJ 588], this court held in the aforementioned writ petition that the Sub Registrar could not interfere with the title of property that is subject matter in the transaction of a document sought to be registered. This court has further held that if there was a civil suit pending, the registration would always be subject to the civil court's right to decide the matter, and the registration could not be denied based only on the pending protest petition citing a civil dispute between the parties.



W.M.P.(MD) No.24193 of 2024

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3. This court by order dated 13.08.2024 while disposing of the writ petition in W.P.(MD) No.11976 of 2021 held as under:-

5. So far as the issue with regard to the protest petition and the registering authorities enter into the title dispute is no longer res-integra. The issues were elaborately dealt with by this Court in Subramani v. Sub Registrar and another [(2024) 3 MLJ 588] and held that filing/pendency of a civil suit is not a bar for registration of document. Any transaction during the pendency of civil suit is always subject to the right to be determined by the Civil Court. In such view of the matter, the refusal cannot be sustained.

6. With regard to the title is concerned, this Court is also held that it is not the duty of the Sub Registrar to venture in the title. Admittedly, the 6th respondent has derived title by way of Settlement Deed. Only on that basis, sale has been executed. Without verifying the title, only for the sake of refusal, the impugned order has been passed. Hence, the impugned order is liable to be set aside.

7. Accordingly, this writ petition stands allowed and the impugned check slip in RFL/Usilampatti/35/2021, dated



W.M.P.(MD) No.24193 of 2024

05.07.2021 and RFL/Usilampatti/36/2021, dated 05.07.2021 respectively issued by the 2nd respondent are hereby set aside.

The 2nd respondent is directed to register both the documents within a period of one week from the date of receipt of copy of this order. No costs."

4. Now, the petitioner herein who is a third party to the writ proceedings has come forward craving leave to file a miscellaneous petition seeking to recall the order of this court dated 13.08.2024 made in the writ petition on the ground that Aatchiammal, who was the 6th respondent in the writ petition had title only in respect of 8 ½ cents and whereas she sold 10 cents and thereby 1 ½ cents of land belonging to the petitioner - Mayandi Thevar was included in the transaction and therefore, the order of this court has to be recalled.

5. At the outset this court is of the view that if at all the petitioner/third party acquired any title to 1 ½ cents of land, mere conveyance by the 6th respondent will not take away his right and title in respect of 1 ½ cents of land said to have been conveyed by Aatchiammal, the 6th respondent in the writ petition. Even if the order is recalled and the writ petition is decided afresh, the petitioner/third party can only establish his title before the civil court in the way that is permitted by law.

Therefore, this court cannot enter into title of such land simply because he filed a



W.M.P.(MD) No.24193 of 2024

protest petition. This court thus finds no merit in the miscellaneous petition and the same must fail.

In the result, the miscellaneous petition is dismissed with the above observations. No costs.

Sd/-

18.12.2024

// True Copy //

/01/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

kmk

To

- 1.The Inspector General of Registration,
Department of Registration,
No.100, Santhome, Chennai.
- 2.The Deputy Inspector General of Registration,
Department of Registration,
Othakadai, Madurai.
- 3.The District Registrar,
Periyakulam Sub Division,
Periyakulam, Theni District.



W.M.P.(MD) No.24193 of 2024

4. The Sub Registrar,
Sub Registrar Office,
Usilampatti, Madurai District.

+1 CC to M/s.B.Kalpana, Advocate, SR.No.76299(F), Dated 20.12.2024

W.M.P.(MD) No.24193 of 2024
in
W.P.(MD) No.11976 of 2021
18.12.2024

ES -(27.01.2025) 7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.