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W.P.(MD) No.27984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.27984 of 2024

S.Rajeswari

... Petitioner

-VS-

1.The Presiding Officer
Subordinate Court
Thuraiyur, Trichy District

2.The Sub Registrar
Thuraiyur
Trichy District

3.K.Ramasundaram
rep.by his Power of Attorney
S.Veeraiah

4.Selvakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned proceedings issued by the second respondent in his proceedings in refusal No.RFL/Thuraiyur/368/2024 dated 08.10.2024 and quash the same



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and consequently direct the second respondent to accept and register the document submitted by the petitioner on 07.10.2024 in accordance with law and release the same within the stipulated time to be fixed by this Court .

For Petitioner : Mr.N.Sankar Ganesh

For Respondents : R1 – Court
Mr.S.P.Maharajan
Special Government Pleader for R2

ORDER

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the second respondent.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the private respondents is dispensed with.

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



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4. This writ petition has been filed challenging the refusal check slip, dated 08.10.2024, issued by the second respondent, thereby refused to register the sale deed presented by the petitioner for registration citing the pendency of a writ petition in W.P.(MD) No.65557 of 2024 before this Court filed by the fourth respondent.

5. The petitioner intended to purchase a property, measuring 0.43 Ares in Ayan Punja land S.F.Nos.176/5 and 148/37 and 148/8A1 of Vengai Mandalam Village, Musiri Taluk, Trichy District, from the third respondent herein and entered into a sale agreement dated 23.04.2019 with the third respondent for a total sale consideration of Rs.2,25,000/- and paid a sum of Rs.2,00,000/- (Rupees two lakhs only) towards advance to the third respondent. However, the third respondent failed to execute a sale deed as agreed in the sale agreement. Therefore, the petitioner filed a suit in O.S.No. 45 of 2020, as against the third respondent, in respect of the subject property before the Sub Court, Thuraiyur, Trichy District, for specific performance. While pending the suit, the matter was referred to the National Lok Adalat, wherein the parties were entered into a compromise. Accordingly, the petitioner paid a sum of Rs.75,000/- i.e., Rs.50,000/- in addition to the actual



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balance amount of Rs.25,000/- and thereafter, the third respondent agreed to execute the sale deed and accordingly, an award was passed in the Lok Adalat on 12.12.2020.

6. Even thereafter, the third respondent failed to comply with the award passed by the Lok Adalat and as such, the petitioner was constrained to file E.P.No.5 of 2021. Thereafter, the first respondent had engrossed the sale deed on 23.12.2021 and submitted the same to the second respondent for registration as per the Civil Rules of Practice. However, the second respondent refused to register the sale deed. Challenging the same, the petitioner filed a writ petition in W.P.(MD) No.12548 of 2022 and this Court, by order dated 25.07.2022, allowed the writ petition by directing the second respondent herein to register the document engrossed by the first respondent in favour of the petitioner. Accordingly, the sale deed was registered by the second respondent vide document No.3038 of 2023. Thereafter, all the revenue records were mutated in favour of the petitioner and thereafter, the petitioner was intended to sell the property in favour of a third respondent and executed a sale deed on 07.10.2024 and presented the same before the second respondent for registration. However, the second respondent refused to



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register the document on the ground that the fourth respondent has raised an objection.

7. Learned Special Government Pleader appearing for the second respondent, on instructions, would submit that based on the objection raised by the fourth respondent, the document presented by the petitioner for registration has been kept pending.

8. From the perusal of the materials available on record, it is seen that the fourth respondent is completely a third party to the proceedings between the petitioner and third respondent. Admittedly, the third respondent owned the subject property and entered into a sale agreement for sale of the subject property with the petitioner. Subsequently, a sale deed was executed in favour of the petitioner. That apart, in the objection raised by the fourth respondent, he has furnished only a filing number of W.P.(MD) No.65557 of 2024 and on verification, it was found that it is only a filing number of the writ petition and thereafter, he has failed to proceed further and the said writ petition was kept pending in the SR stage. Therefore, absolutely, there is no impediment for the second respondent to register the document presented by



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the petitioner for registration in respect of the subject property. Mere objection, without any supporting materials, cannot be sustained. Therefore, the impugned check slip issued by the second respondent cannot be sustained and the same is therefore liable to be quashed.

9. Accordingly, this writ petition is allowed and the impugned check slip issued by the second respondent, dated 08.10.2024, is hereby quashed. The petitioner is directed to re-present the document before the second respondent for registration. On receipt of the same, the second respondent is directed to register the document, if it is otherwise in order and release the same forthwith. No costs.

25.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Sub Judge,
Thuraiyur,
Trichy District.
- 2.The Sub Registrar,
Thuraiyur,
Trichy District.



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G.K.ILANTHIRAIYAN, J.

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