



W.P.(MD)No.27957 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.27957 of 2023

C.Manoharan

... Petitioner

Vs

1. The District Registrar,
Office of the Registration,
Kokarkulam,
Palayamkottai,
Tirunelveli District.

2. The Sub Registrar,
Office of the Sub Registrar,
Ettayapuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in Refusal Number RFL/Ettayapuram/98/2023 dated 19.10.2023 to quash the same and consequently direct the respondents to register the document.

For Petitioner

: Mr. N.Sundaresan

For Respondents

: Mr.M.Siddharthan

Additional Government Pleader



W.P.(MD)No.27957 of 2023

ORDER

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This Writ Petition has been filed challenging the Refusal Number RFL/Ettayapuram/98/2023, dated 19.10.2023 and consequently direct the respondents to register the document.

2.Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3.It is the case of the petitioner that when the petitioner presented the sale deed for registration, the same has been refused to be registered on the ground that there is a double entry in respect of the same property.

4.According to the writ petitioner, the property originally owned by one Surender Yadav. The petitioner and his co-sharers purchased the property on 01.03.2016 from the said Surender Yadav. The petitioner's vendor namely, Surender Yadav purchased the property on 23.07.2005.



W.P.(MD)No.27957 of 2023

5.In the meanwhile, one Mariammal claimed to be the power agent of Surender Yadav, impersonated and executed a sale deed in favor of one Ratnapandi on 25.06.2013. Later, on a police complaint, it is found that the sale deed executed in favour of Ratnapandi is a result of impersonation and fraud. That apart, the said Ratnapandi has also filed a suit in O.S.No.246 of 2016, claiming declaration in respect of subject property. After the trial has been commenced and the evidence adduced, which were went against him, he has withdrew the suit. Therefore, it is the contention of the learned counsel for the petitioner that the Sub-Registrar cannot decide the title at this stage.

6.As rightly pointed out by the learned counsel for the petitioner one Ratinapandi has set up an independent title on the basis of his purchase of property in the year 2013. The said Ratinapandi has already approached the Civil Court in O.S.No.246 of 2016, on the file of District Munsif Court, Kovilpatti and the said suit has been withdrawn on 06.07.2022 by filing a memo before that Court stating that he is not willing to prosecute the suit.

7.From the conduct of the parties, it is seen that the parties have purchased the property and left the suit for dismissal same probabalise the case of



W.P.(MD)No.27957 of 2023

the petitioner. In such view of the matter, mere double entry is not germane for consideration at this stage. The title can be established only by way of registered document. Hence, it is the duty of the registering authorities to register the document.

8. In view of the above facts, the writ petition is allowed and the impugned order, dated 19.10.2023 is quashed. The respondents are directed to register the document within a period of one week from the date of receipt of copy of this order. No costs.

17.10.2024

NCC : Yes/No
Index : Yes/No
PNM

To
1. The District Registrar,
Office of the Registration,
Kokarkulam,
Palayamkottai,
Tirunelveli District.

2. The Sub Registrar,
Office of the Sub Registrar, Ettayapuram.



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W.P.(MD)No.27957 of 2023

N.SATHISH KUMAR, J.

PNM

ORDER IN

W.P.(MD)No.27957 of 2023

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