



**WP(MD). No.28404 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 04/09/2024**

**CORAM**

**The Hon`ble Mr.Justice N.SATHISH KUMAR**

**WP(MD). No.28404 of 2023  
and WMP(MD) No.25573 of 2023**

1. T.Indhra,  
2. Saravanan.R

... Petitioners

**Vs**

1. The District Registrar,  
Thoothukudi District Registrar Office,  
New Bus Stand,Thoothukudi.

2. The Sub Registrar,  
Sub Registrar Office, Kayalpattinam,  
Tiruchendur Taluk,  
Thoothukudi District.

... Respondents

**PRAYER :-** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 2<sup>nd</sup> respondent dated 01.11.2023 and quash the same and consequently direct the 2<sup>nd</sup> respondent to register the sale deed dated 01.11.2023 filed by the petitioners within the time fixed by this Court.

For Petitioner : M/s.Ashok Kumar.B,

For Respondent : Mr.P.Subbaraj  
Special Government Pleader



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### **ORDER**

Challenge has been made to the impugned order of the 2<sup>nd</sup> respondent dated 01.11.2023 and consequently direct the 2<sup>nd</sup> respondent to register the sale deed dated 01.11.2023 filed by the petitioners within the time fixed by this Court.

2. Since the impugned order itself is not proper, no counter is required in this matter.

3. The case of the petitioners is that the property in question belong to the mother of the 1<sup>st</sup> petitioner. Her mother executed a settlement deed in favour of the 1<sup>st</sup> petitioner and she has also executed a sale deed in favour of the 2<sup>nd</sup> petitioner. Thus, the petitioners are in possession of the same. When the petitioners wanted to sell the land, they presented a sale deed before the 2<sup>nd</sup> respondent. However the 2<sup>nd</sup> respondent refused to register the same on the ground that one Ganesh, Senthilraj and T.Sinthanaiselvan have given protest petition stating that the petitioners name have been wrongly included in the subdivision. Challenging the said refusal, the petitioners are before this Court.



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4. I have considered the rival submissions and perused the materials available on record.

5. The allegation is raised by the third parties. Merely on the allegation that some protest petition has been filed, the documents ought not to have been refused to be registered. This aspect has been clearly held by the Division Bench of this Court in ***Subramani v. Sub Registrar and another [(2024) 3 MLJ 588]***. Therefore if any document is registered, priority right will be decided on the basis of the document. Merely on the basis of protest petition filed by some other third parties, refusal cannot be made.

6. In view of the above, the writ petition is allowed and the impugned order dated 01.11.2023 of the 2<sup>nd</sup> respondent is set aside. No costs. Consequently connected Miscellaneous Petition is closed.

**04.09.2024**

**NCC : Yes/No**  
**Index : Yes/No**  
**RR**



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**N.SATHISH KUMAR,J**

**RR**

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