



WP(MD). No.29893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP(MD). No.29893 of 2024
and WMP(MD) No.25184 of 2024

1. Arungulavan

2. Selvaraj

... Petitioners

Vs

The Sub-Registrar,
Sub-Registrar Office No.1,
Pudukkottai District.

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records pertaining to the respondent in his Refusal Number.RFL/1 number Sub-Registrar/297/2024 dated 22.10.2024 and quash the same and consequently direct the respondents to register the sale deed dated 22.10.2024 presented by the petitioners in his office.

For Petitioners : Mr.R.Paranjothi

For Respondent : Mr.D.Sadiq Raja
Government Advocate



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ORDER

This writ petition has been filed challenging the refusal Check-slip slip issued by the respondent, dated 22.10.2024, thereby, refused to register the sale deed, which was presented for registration by the petitioners, on the ground that there is already an entry in respect of the subject land comprised in S.No.227 situated at Vagavasal Village, Alangudi Taluk, Pudukottai District.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3.The property comprised in S.No.227 to an extent of 1 acre 94 cents situated at Vagavasal Village, Alangudi Taluk, Pudukottai District, originally belonged to one Karuppan and Palniyayee. They had executed a sale deed, dated 09.07.1962, vide document No. 865/1962 in favour of one Muthayee. Thereafter, she died leaving behind her son Jegannathan as her only legal heir. He sold out the subject property through a registered sale deed, dated 21.11.2005 in favour of one



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Lakshmanan. In the said sale deed, the survey number was wrongly mentioned as 277 instead of 227. The said Lakshmanan had executed a Will in favour of his daughter, Susila on 13.04.2009. After his demise, the said Susila entered into an agreement for sale with the petitioner on 11.12.2023. After payment of the entire sale consideration, the said Susila had executed an agreement in favour of the petitioner on 11.12.2023 and presented for registration on 14.12. 2023. However, it was refused to register on the ground that there is already an entry in respect of the said property comprised in S.No.227.

4.The learned counsel for the petitioner would submit that while selling the subject property in favour of said Lakshmanan by his vendor, the survey number was wrongly entered as 277 instead of 227. The same wrong survey number has been carried out till the execution of agreement for sale in favour of the petitioner by his vendor namely Susila. The petitioner is in possession and enjoyment of the subject property. The boundaries of the said property are one and the same as in the original sale deed executed in favour of one Muthayee and her vendor. Therefore, the boundaries can prevail over the survey number.



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5.On instructions, the learned Government Advocate submitted that there is not only entry in respect of S.No.227, the land comprised in S.No.227 to an extent of 1 acre 94 cents owned by one Karthikeyan and he had sold out the said property in favour of one Valarmathi vide document No.7455/2022. That apart, when the Will itself executed in favour of the petitioner's vendor only in respect of property comprised in S.No.277 situated at Vagavasal Village, Alangudi Taluk, Pudukottai District, the petitioner's vendor cannot execute any agreement for sale in respect of property in S.No.227. Therefore, it cannot be said that the petitioner vendor's father while purchasing the subject property wrongly mentioned the survey number as 277 instead of 227. Therefore, the respondent rightly refused to register the agreement for sale, which was presented by the petitioners in respect of the property comprised in S.No.227.

6.In view of the above facts, this Court finds no infirmity in the impugned refusal check-slip issued by the respondent. Accordingly, this writ petition stands dismissed. However, the petitioners are at liberty to approach the civil Court in the manner known to law, if they



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are so advised. No costs. Consequently, connected miscellaneous
petition is closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

The Sub-Registrar,
Sub-Registrar Office No.1,
Pudukkottai District.



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G.K.ILANTHIRAIYAN, J.

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