



W.P.(MD)No.28722 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.28722 of 2023
and WMP(MD) No.24765 of 2023

Subramaniyan

... Petitioner

Vs

1. The District Registrar,
Office of the District Registrar,
Pudukottai District.

2. The Sub Registrar,
Sub Registrar Office,
Ponnamaravathi,
Pudukottai District.

3. PL.Soundaram

... 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 calling for the entire relevant records related to the impugned order passed by the 2nd respondent, vide - RFL/Ponnamaravathi/61/2023, dated 18.10.2023, and quash the same as illegal and consequently direct to Register a Sale deed produce by the petitioner before the 2nd respondent in Temporary Acknowledgement number for registration in TP/162680505/2023, dated 18.10.2023, within a stipulated time.

For Petitioner : Mr. R.Senthilkumar

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

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This Writ Petition has been filed challenging the impugned order passed by the 2nd respondent, vide - RFL/Ponnamaravathi/61/2023, dated 18.10.2023 and consequently direct to register a Sale deed produced by the petitioner before the 2nd respondent.

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

3. The case of the petitioner is that the petitioner has purchased the subject property from one Ravichandran, who has purchased the property on 01.03.2010 from one Ramayee, wife of Muthu Palani Chettiar. After the said sale, it appears that a settlement deed was registered in the same year, ie., on 23.04.2010 as if, one Ramayee Achi, wife of Muthu Karuppa Chettiar has executed in favour of the third respondent. It is relevant to note that the said settlement deed was registered on 23.04.2010, much after the petitioner's vendor Ravichandran has purchased the property on 01.03.2010. Now the said Ravichandran has sold the property in favour of the petitioner and when the sale



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deed was presented for registration, the impugned order has been passed since there is a double entry, the said document could not be registered.

4.At the outset, on the face of record it makes clear that the petitioner's vendor has a clear title, since he has purchased the property on 01.03.2010. Only after his purchase, the alleged settlement deed executed on 23.04.2010. Be that as it may. The petitioner has also placed documents before this Court showing possession of his vendor in the property. As the petitioner's claims title right based on the registered document, mere double entry will not be a ground to refuse the sale deed to be registered. Only if the document is registered, based on that the parties can establish their title in the competent civil Court.

5.In such view of the matter, this Writ Petition is allowed and the impugned order, dated 02.10.2023 is set aside and the second respondent is directed to register the sale deed presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes/No
Index : Yes/No
PNM

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To

1. The District Registrar,
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Pudukottai District.

2. The Sub Registrar,
Sub Registrar Office,
Ponnamaravathi,
Pudukottai District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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