



W.P(MD)No.29754 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.29754 of 2023

and

W.M.P(MD)No.22639 of 2024

1.A.Muthukaruppayee

2.Murugan

... Petitioners

Vs

The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar,
Periyakulam,
Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of refusal dated 23.11.2023 issued by the respondent herein quash the same and consequently direct the respondent herein to register the sale deed dated 23.11.2023 presented by the petitioners for registration within a reasonable time fixed by this Court.

For Petitioners : Mr.K.Appadurai

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This Writ Petition has been filed by the petitioners challenging the refusal check slip issued by the respondent dated 23.11.2023 thereby refusing to register the sale deed executed by the petitioners in favour of the third parties on the ground that there is double entry in respect of the subject property.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the petitioners, the property comprised in Survey No.1942 to an extent of 2.16 acres situated at Tamaraikulam Village, Periyakulam Taluk, Theni District was purchased by one Velu Servai by the registered sale deed dated 21.09.1939 vide Document No.2103 of 1939 from one Pechiammal. After the demise of Velu Servai, his son Kathirvel Servai derived title over the property and sold out in favour of the petitioners' father one Karuppiah by the registered sale deed dated 09.02.1988 vide Document No.78 of 1988. After the demise of the said Karuppiah,



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the petitioners and another brother Muthupandi derived title over the property. Thereafter, they executed a sale deed in favour of the third party in respect of the subject property and presented the same for registration before the respondent.

4. On perusal of the encumbrance certificate would reveal that in respect of the very same property, there are many entries made in the encumbrance certificate. Even in the year 1970, the subject property was settled in favour of two brothers and subsequently, they had partitioned the subject property and executed various deeds in respect of the subject property. Though the petitioners had derived title over the property on the demise of their father, the petitioners' father also failed to obtain any patta for the subject property. That apart, after the settlement deed of the year 1970, the petitioners' father had purchased the subject property. After purchase, there is no proof to show that either the petitioners or their father were in possession and enjoyment of the subject property. That apart, already the petitioners filed an appeal before the Revenue Divisional Officer challenging the patta issued in favour of other parties in respect of the very same property and it is pending. In view of the above, this Court finds no infirmity or



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illegality in the refusal check slip issued by the second respondent dated 23.11.2023. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. However, if the petitioners succeed in respect of title over the subject property, they can represent the sale deed for registration. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**28.11.2024
(1/2)**

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar,
Periyakulam,
Theni District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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**28.11.2024
(1/2)**