

W.P.No.630 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 630 of 2025
and
W.M.P.Nos.774 & 775 of 2025

1.T.Annamalai
2.A.Chandhrasekaran
3.S.Ramesh
4.S.Suresh

.... Petitioners

Vs

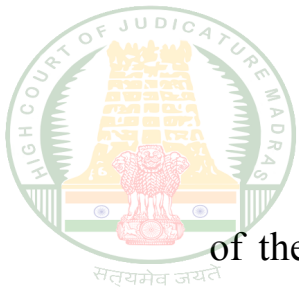
1.The Sub Registrar,
The Office of Sub Registrar,
Kaveripattinam,
Krishnagiri Taluk and District.

2.Arjunan @ Selvam

3.Parandhaman

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records leading to the impugned refusal check slip No. RFL/Kaveripattinam/60/2024 dated 28.06.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to register the decree in O.S.No. 187 of 2014 on the file



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of the District Munsif Court, Krishnagiri presented for registration on 28.06.2024.

For Petitioner : Mr.C.Jagadish
For R1 : Ms.C.Meera Arumugam
Special Government Pleader.

ORDER

Challenging the Refusal Check Slip No.

RFL/Kaveripattinam/60/2024 dated 28.06.2024 issued by the first respondent dated 28.06.2024, the petitioner is before this Court. The facts of the case are briefly set out herein below.

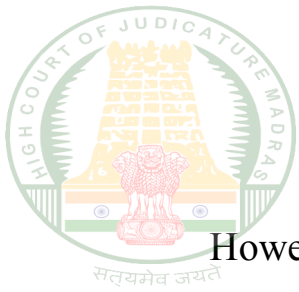
2. The case of the petitioner is that the property, measuring an extent of 3.5 cents, comprised in survey Nos.76/3F and 77/31B1, situated at Sundekuppam Village, Krishnagiri Taluk, belonged to his grandfather, Dharmalinga Gounder and Gopal @ Sahadevan, the father of the second respondent. They had purchased the said property under a registered sale deed dated 02.05.1960.

3. The second respondent executed a registered sale deed on 21.01.2011 in respect of his half share in favour of the third



and fourth petitioners herein. The revenue records were mutated in their favour. However, since the second respondent attempted to interfere with their peaceful possession and enjoyment of the property, the petitioners filed a suit in O.S.No.187 of 2014 before the District Munsif Court, Krishnagiri. In the said suit, the second respondent and his father were set ex-parte and an ex-parte decree came to be passed on 28.11.2014. Since the second respondent attempted to create encumbrance in respect of the subject property, the petitioners presented the ex-parte Judgment and Decree before the first respondent for registration, in order to avoid any such encumbrance. However, the first respondent refused to register the same stating that in REP No.174 of 2018 in O.S.No.98 of 2017, the Principal Subordinate Judge had registered a sale deed in favour of one Parandhaman, the third respondent herein, in respect of 1010 ½ sq.ft. of land.

4. The second respondent's father, viz., Boopathi, passed away four years ago. After his demise, the second respondent appears to have entered into an agreement with the third respondent.



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However, having executed a sale deed in favour of the third and fourth petitioners, neither the second respondent nor his father had any right to sell the property, which had already been conveyed to the petitioners. It appears that the second and third respondents colluded to obtain an ex-parte decree. Further, the petitioners contention is that they are running a hotel under the name and style of 'Oviya Hotel' from the year 2012. The first respondent refused to register the ex-parte Judgement and Decree on the ground that the suit is still pending. Therefore, the petitioner is before this Court.

5. Heard Mr.C.Jagadish, learned counsel appearing for the petitioner and Ms.C.Meera Arumugam, learned Special Government Pleader appearing on behalf the first respondent and perused the materials available on record.

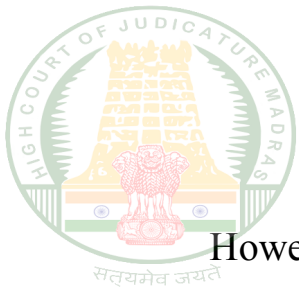
6. The writ petition is being disposed of at the admission stage itself, without notice to the respondents, since the issue pertains to the refusal by the first respondent to register the document in question. The document shows that the second



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respondent, on 21.01.2011, had sold the property in favour of the third and fourth petitioners and the revenue records were mutated in their favour. Thereafter, since the second respondent and one Boopathi interfered with the petitioners' peaceful possession of the property, they filed a suit in O.S.No.187 of 2014 for declaration and permanent injunction. Though the second respondent was served with notice, he has not chosen to enter appearance and an ex-parte decree came to be passed on 28.11.2014 in O.S.No.187 of 2014 by the District Munsif, Krishnagiri in favour of the petitioners. Therefore, not only was the petitioners prior purchase of the property recognized, but their rights over the property has also been declared in the suit. Subsequently, it appears that the second and third respondents entered into a sale agreement in respect of the property, which had already been sold to the petitioners 3 and 4 on 09.05.2014.

7. The collusive specific performance suit has been filed and a decree was obtained by the third respondent. Based on this decree, a sale deed has been executed by Court on 08.10.2021.



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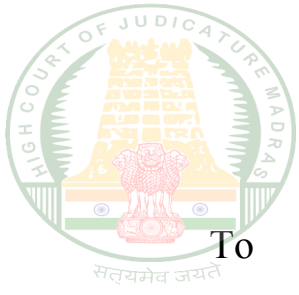
However, after the sale in favour of the petitioners 3 and 4, no property remains with the second respondent. Further, the decree in favour of the petitioners has already been granted. Therefore, the grounds on which the documents refused to register cannot be sustained and the impugned order passed by the first respondent is liable to be quashed.

8. Accordingly, the Refusal Check Slip No. RFL/Kaveripattinam/60/2024 dated 28.06.2024 issued by the first respondent dated 28.06.2024, is hereby quashed. The first respondent is directed to register the document, within a period of two (2) weeks from the date of its re-presentation.

9. With the above observation, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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The Sub Registrar,
The Office of Sub Registrar,
Kaveripattinam,
Krishnagiri Taluk and District.

P.T. ASHA, J,

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