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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 3642 of 2025

Ranjan Seth

Petitioner(s)

Vs

1. Sub Registrar
Kaveripakkam Sub Registrar Office,
1, Kalaingar Nagar Rd, Kaveripakkam,
Tamilnadu-632 508

2.A.Mohammed Hanifa

3.E.Dilli Babu

4.V.P.Pathi

5.Salam Mohammed Althaf

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for



respondent leading to issuance of impugned order dated 27.12.2022 vide
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RFL/Kaveripakkam/151/2022 and quash the same and direct the 1st respondent to register the Sale deed dated 27.12.2022 executed in favour of the petitioner.

For Petitioner(s): Mr.Samir Shah

For Respondent(s): Mr.B.Vijay
Additional Government Pleader
for R1

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 1st respondent dated 27.12.2022 and for a consequential direction to the 1st respondent to register the Sale Deed dated 27.12.2022 executed in favour of the petitioner.

2.When the writ petition came up for hearing on 28.02.2025, this Court passed the following order:



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The subject matter in the present writ petition is a property situated in S.No.574/1A2 measuring a total extent of 1.77 cents. The specific case of the petitioner is that the fourth respondent was the owner of the property in S.No.565/1A1A and he was having two plots. Thereafter the fourth respondent, while selling the property to the 5th respondent, apart from mentioning S.No.505/1A1A has also mentioned S.No.574/1A2, for which he does not have title as per the settlement deed dated 12.04.2013. The property that is now sought to be conveyed are agricultural lands and not plots.

2. On carefully going through the sketch that was annexed along with the sale deed that was executed by the fourth respondent in favour of the fifth respondent, there is a specific mention about S.No.574/1A/2 and the present writ petition pertains to the lands in S.No.574/1A2. Hence, the learned counsel for the petitioner and the learned Special Government Pleader shall take specific instructions and inform this Court, whether these are two different survey numbers or it is the same property which has been described in two different forms.

3. Post this writ petition under the same caption 07.03.2025.



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3.The writ petition was thereafter listed on 13.03.2025 and the following order was passed by this Court:

The learned Special Government Pleader appearing on behalf of the first respondent submitted that he has sought for instructions from the first respondent based on the additional typed set of papers filed by the learned counsel for the petitioner during the previous hearing, wherein the learned counsel was able to prima facie establish that the survey number found place right from the sale deed dated 24.09.1966 registered as Document No.2145 of 1966. Whereas for the first time in the year 2021, the survey number was added in the Settlement Deed executed by the fifth respondent in favour of the fourth respondent. Post this Writ Petition under the same caption on 18.03.2025.

4.Heard Mr.Samir Shah, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of the 1st respondent.



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5.It is quite clear from the documents placed before this Court that the petitioner is tracing the title right from the Sale Deed dated 24.09.1996 registered as Document No.2145 of 1996, wherein, there is a specific reference to S.No.574/1A2. Insofar as the Settlement Deed that was executed by the 4th respondent in favour of the 5th respondent, the title is traced from two earlier documents dated 29.03.2011 and 20.07.2011. In both these documents, there is absolutely no mention about S.No.574/1A2. All of a sudden, in the year 2014, such a reference has been made in the Settlement Deed that was executed by the 4th respondent in favour of the 5th respondent. Thus, the 4th respondent did not have the title over the property in S.No.574/1A2 and therefore, he could not have settled the property in favour of the 5th respondent.

6.In the light of the above discussion, this Court is inclined to interfere with the impugned refusal Check Slip dated 27.12.2022 issued by the 1st respondent and the same is hereby quashed. There shall be a direction to the 1st



respondent to register the Sale Deed dated 27.12.2022 executed in favour of the
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petitioner, if it is otherwise in order.

7.In the result, this writ petition stands allowed with the above direction.

No Costs.

18-03-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ssr

Note:Issue Order Copy by 21.03.2025



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To

The Sub Registrar
Kaveripakkam Sub Registrar Office,
1, Kalaighar Nagar Rd,
Kaveripakkam,
Tamilnadu-632 508



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N.ANAND VENKATESH J.

SSR

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