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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.03.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4024 of 2025

Uthamaraj

..Petitioner

Vs.

1. The Sub Registrar, Mylam,
Tindivanam Taluk, Villupuram District.

2. Vijayan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records and the order of the respondent in RFL/Mylam/64/2024 dated 22.10.2024 and quash the same as illegal and further directing the respondent to register the sale deed dated 15.07.2024 executed in favour of the petitioner within a stipulated period fixed by this Court.

For Petitioner : Mr. J.Antony Jesus

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1
Mr.K.Ponraj, for R2



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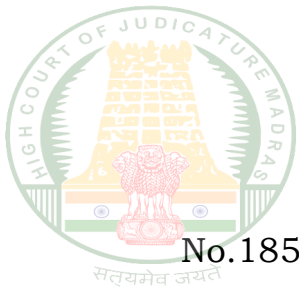
ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the 1st respondent dated 22.10.2024 and for a consequential direction to the 1st respondent to register the sale deed dated 15.07.2024 executed in favour of the petitioner.

2. Heard Mr. J.Antony Jesus, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for 1st respondent and Mr.K.Ponraj, learned counsel for 2nd respondent.

3. The refusal check slip has been issued by the 1st respondent on the ground that a joint patta has been issued by including the name of the 2nd respondent as a joint patta holder and whereas, the sale deed has been executed by the legal heirs of Subbarayan and Veeramuthu alone.

4. The learned counsel for the petitioner submitted that his vendors became entitled to the subject property by virtue of a registered sale deed dated 20.05.1956 registered as document



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No.1856 of 1956. Thereafter, the patta was also issued in their favour in patta No.843 and 859. They were in possession and enjoyment of the property and after their demise, their legal heirs became the owners of the property. Patta was also issued in their names. While so, the 2nd respondent approached the RDO, Dindivanam and an order was passed on 06.07.2018 to add the name of the 2nd respondent as a joint patta holder. It was submitted that the 2nd respondent does not have any right or title over the property in Survey No.138/13C and for the first time, while executing the settlement deed dated 01.11.2018 the survey numbers 138/13A (old Survey Nos.90/1, 2, 3A and 3B) were inserted and based on the same, the application was submitted before the Revenue Divisional Officer. The learned counsel submitted that the 2nd respondent has absolutely no right or title over the property and by means of an order passed by the RDO, the original owners of the property are now restrained from dealing with the property.

5. In the considered view of this Court, the 1st respondent cannot go into the right and title over the property. The 1st respondent found that the name of the 2nd respondent has been entered as a joint



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patta holder and therefore, since the 2nd respondent is not a party in the sale deed, the 1st respondent has refused to register the document.

Such a decision taken by the 1st respondent does not suffer from any illegality.

6. The vendors of the petitioner will have to necessarily question the proceedings of the RDO dated 06.07.2018 and establish that the 2nd respondent does not have any right over the property in Survey No.138/13C and only after necessary orders are passed in this regard, the vendors can deal with the property.

7. In the light of the above discussion, it is left open to the vendors of the petitioner to work out their remedy seeking for the cancellation of the order passed by the RDO dated 06.07.2018 in the manner known to law. If they have already preferred any petition/representation and the same is not considered, it is left open to the vendors to approach this Court and seek for appropriate direction. Except giving this clarification, no further orders can be passed in this regard.



WEB COPY8. This writ petition is disposed of in the above directions. No costs.

21.03.2025

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
rka
To
The Sub Registrar, Mylam,
Tindivanam Taluk, Villupuram District.



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N. ANAND VENKATESH, J.

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