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Writ Petition No.4492 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4492 of 2025

Sudha

W/o.Purushotaman

... Petitioner

Vs.

1. Sub-Registrar Office,
Konnur, Chennai.

2. The Tahsildar,
Purasaiwakkam-Perambur Taluk,
Chennai – 600 011.

3. The Tahsildar,
Aynavaram Taluk,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of impugned order of the first respondent in RFL/Konnur/4/2025 dated 25.01.2025 and quash the same and consequently direct the first respondent to register the sale deed dated 25.01.2025, presented by the petitioner within a specific time frame.

For Petitioner : Mr.Sarath Chandran
for Mr.M.R.Dhalapathy Vignesh Kumar
For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader



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ORDER

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This writ petition has been filed challenging the impugned refusal check slip issued by the first respondent dated 25.01.2025 and for a consequential direction to the first respondent to register the sale deed dated 25.01.2025.

2. Heard Mr.Sarath Chandran, learned counsel for petitioner and Mr.M.R.Gokulkrishnan, learned Additional Government Pleader appearing for respondents.

3. The subject property in Survey No.224/2A1 measuring an extent of 909 sq.ft. was originally assigned in favour of Meganathan and Arasu through proceedings of the Special Tahsildar dated 13.09.1979. As per the revenue records, the property is categorised as 'Grama Natham'. The assignees to the property were enjoying the property and the second respondent, through proceedings dated 28.07.2010, had confirmed the assignment. In the mean time, the assignee had executed a settlement deed dated 14.07.2006 in favour of his children and this document was registered as document No.3507 of 2006.



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4. The further case of the petitioner is that his vendors had executed a general Power of Attorney in favour of one Purushotaman and the same was also registered as document No.4726 of 2023. The property was sought to be sold in favour of the petitioner and hence, a sale deed dated 25.01.2025 was executed and it was presented for registration before the first respondent. The same has been refused to be entertained by issuing a refusal check slip on the ground that the property is shown as sarkar poramboke with remarks “kuttai”. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the first respondent has not taken note of the fact that the subject property was originally assigned and the assignee had thereafter executed a settlement deed in favour of his children and they in turn executed a Power of Attorney and all these documents were entertained and registered by the Sub-Registrar. Only when it came to the registration of the sale deed, the Sub-Registrar had digged out a ground as if it is shown as Kuttai. When the assignment order has been confirmed and the subsequent documents have been entertained, the owners of the properties cannot be prevented from dealing with the property by giving a reason, which does not go in line



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N.ANAND VENKATESH, J

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with the earlier assignment that was made. In view of the same, this Court has no hesitation to interfere with the impugned refusal check slip issued by the first respondent and the same is hereby quashed.

6. There shall be a direction to the petitioner to represent the document, which shall be registered by the first respondent, if it is otherwise in order.

In the result, this writ petition is allowed with the above direction. No costs.

13.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1.The Sub-Registrar Office

Konnur, Chennai.

2.The Tahsildar

Purasaiwakkam-Perambur Taluk

Chennai – 600 011.

3.The Tahsildar

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