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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.7530 of 2025

1.C.Ramasamy

2.Manickam

.... Petitioners

-Vs-

1.The Sub Registrar
Edappadi
Salem District.

2.Mohammedsheriff

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent herein culminating in the refusal check slip in RFL/EDDAPADI/29/2024 on the file of the respondent herein dated 05.11.2024 and quash the same and consequently direct the respondent herein to register the Sale Deed dated 05.11.2024 executed by Mr.A.Krishnan @ Krishnanraj in favour of Mr.C.Ramasamy and Mr.M.Manickam, respectively forthwith presentation of the same.



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For Petitioners : Mr.S.Venugopalraj

For Respondents : Mr.P.Harish
Government Advocate
for R1

Ms.Radhika Boopathi
Standing Counsel
for R2

ORDER

This writ petition has been filed challenging the refusal check slip issued by the 1st respondent dated 05.11.2024 and for a consequential direction to the 1st respondent to register the sale deed dated 05.11.2024 executed in favour of the petitioners.

2.Heard Mr.S.Venugopalraj, learned counsel for the petitioners, Mr.P.Harish, learned Government Advocate for R1 and Ms.Radhika Boopathi, learned Standing Counsel for R2.

3.The 1st respondent has refused to register the sale deed by taking into account the judgements and decrees that were passed which was registered as Document No.5713 of 2023. The 1st respondent reached a decision that there is a serious dispute with respect to the title over the property and the 1st respondent



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cannot go into the question of title and therefore the 1st respondent came to a conclusion that unless a Civil Court declares the title over the property, no documents can be entertained with respect to the subject property in Survey No.296/1A.

4.This Court has carefully considered the submissions made on either side and the materials available on record. This Court carefully went through all the documents that were placed before the Court.

5.It is seen that there is a serious dispute with regard to the title over the property which was originally carrying Survey No.296/1. It is quite evident that these disputes started as early as in the year 1961 and repeatedly suits have been filed by persons who are in occupation of the property. The petitioners are also proposing to purchasing the property from two such occupants of the property who claimed to be owner of the property by virtue of a Will dated 27.10.1988.

6.The learned counsel for the petitioners submitted that the 1st respondent cannot go into the title of the property and that is beyond the jurisdiction of the 1st respondent.

7.In the considered view of this Court, the 1st respondent did not go into the title of the property and the 1st respondent has merely stated that there are repeated



disputes between the parties and the judgement and decree of the Civil Court has been registered and therefore there is no clarity as to who is the owner of the property. Therefore, the 1st respondent came to a conclusion that unless and otherwise the title is declared by a Competent Civil Court, it is not possible to entertain documents pertaining to the subject property.

8.The conclusion arrived at by the 1st respondent cannot be faulted since mechanically registering one document after the other will only cause more confusion in this case. Already so many judgements and decrees have been registered pertaining to the subject property. Hence, it will be left open to the vendors to seek for an appropriate remedy before the Civil Court and based on the same, can deal with the property. This Court does not find any error apparent on the face of the order passed by the 1st respondent while issuing the refusal check slip. Except giving this clarity, no further orders can be passed in this writ petition.

9.This writ petition is disposed of in the above terms. No costs.

04.04.2025

Index : Yes/No
NCS : Yes/No
KP



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To

The Sub Registrar
Edappadi
Salem District.



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N.ANAND VENKATESH, J.

KP

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