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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12746 of 2025

Kannan

Petitioner(s)

Vs

1. The Sub Registrar
Dharmapuri District

2.Lakshmi

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the refusal order in Refusal no.RFL/No.II Joint Sub Registrar, Dharmapuri /162/2024 dated 21.11.2024 passed by the 1st respondent in refusing to register the sale deed dated 14.11.2024 executed by the petitioner and quash the same and consequently direct the 1st respondent to sale deed dated 14.11.2024.



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For Petitioner(s): Mr.M. Mohamed Riyaz

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader
for R1

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip dated 21.11.2024 issued by the 1st respondent and for a consequential direction to the 1st respondent to register the Sale Deed dated 14.11.2024 executed by the petitioner.

2.Heard Mr.M.Mohamed Riyaz, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of the 1st respondent.

3.The refusal Check Slip has been issued on the ground that the UDR patta stood in the name of one Raja son of Natesan and taking advantage of the same, they had executed a Release Deed in favour of one Lakshmi which was registered as Document No.1323 of 2024. In view of the same, the 1st respondent has refused to register the Sale Deed executed by the petitioner.



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4. It is seen from records that the patta originally stood in the name of the petitioner and during the UDR Scheme, the patta was transferred to the name of one Raja son of Natesan. The petitioner submitted an application before the District Revenue Officer and the District Revenue Officer through the proceedings dated 24.09.2024 cancelled the patta which stood in the name of Raja and the patta was restored in the name of the petitioner. Thereafter, the petitioner wanted to deal with the property and executed the Sale Deed. In the meantime, the said Raja seems to have executed a Release Deed in favour of his wife Lakshmi. Therefore, the 1st respondent has refused to entertain the Sale Deed presented by the petitioner on the ground that the property has already been dealt with.

5. In the considered view of this Court, the Release Deed itself came to be executed based on the UDR Patta which has already been cancelled by the District Revenue Officer through proceedings dated 24.09.2024. Therefore, the petitioner, being the owner of the property and also the fact that the patta stands in his name, cannot be deprived of dealing with the property. In any event, the



1st respondent cannot go into the title dispute over the property in view of the latest judgement of the Apex Court in Civil Appeal No.3954 of 2025 dated 07.04.2025, wherein, the Apex Court has struck down Rule 55(A)(1) of the Registration Rules.

6.In the light of the above discussion, the impugned refusal Check Slip dated 21.11.2024 issued by the 1st respondent is hereby quashed and there shall be a direction to the 1st respondent to register the Sale Deed, if it is otherwise in order.

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

No Costs.

21-04-2025

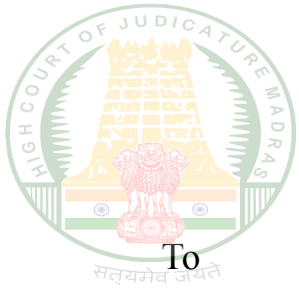
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To

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The Sub Registrar
Dharmapuri District



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N.ANAND VENKATESH J.

SSR

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