



WEB COPY

WP No. 12999 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12999 of 2025

1. R. Vinoth

S/o.Rajendran, 120, Maarimman Kovil

Street, Hastampatti, Salem-636 007

Petitioner(s)

Vs

1. The Sub Registrar

Mallamsamudhram Sub Registrar

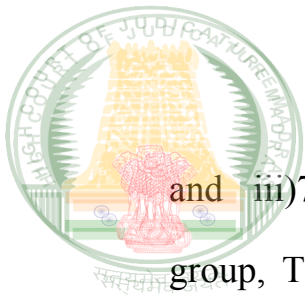
Office, Mallasamudhram, Namakkal

District

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issue of writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Check slip in RFL/Mallasamudhiram/73/2025 dated 22.3.2025 passed by the respondent, quash the same and consequently direct the respondent to register the sale deed dated 22.3.2025 executed by the petitioner in favour of Mr.G.Saravanan in respect of the properties measuring (i) 18 ½ cents in S.F.No.68/1A(Old S.No.68/1)ii) 10 ¾ cents in S.F.No.691G2(Old S.NO.69/1G)



and iii) 7 ½ cents in S.F.No.69/1E in Sembampalayam village, Karumanoor group, Thiruchengode taluk, Namakkal District and release the original sale deed.

For Petitioner(s): Mr.N. Manoharan
For Respondent: Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 22.03.2025 and for a consequential direction to the respondent to register the Sale deed dated 22.03.2025 executed by the petitioner with respect to the subject property.

2. Heard N. Manoharan, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for respondent.

3. The respondent has issued the refusal check slip mainly on the ground that one P chandra had claimed for 2/4th share in the subject property and whereas, she only had 1/4th share in the property.

4. On carefully considering the submissions made on either side and the materials available on record, it is seen that the subject property was originally owned by one Kuppusamy. He died intestate leaving behind Ammasi



Nadar and Kavutha Nadar. The said Kavutha Nadar died intestate leaving behind his wife, one son and one daughter. The son predeceased his parents. Thereby, the daughter in law and the other legal heirs are entitled for $\frac{1}{2}$ share each.

5. The said Chandra who was entitled for $\frac{1}{2}$ share in the B schedule property as per the partition deed dated 09.06.2009, executed two sale deeds in favour of the petitioner with respect to her half share. The 1st sale deed was executed on 23.08.2024 conveying $\frac{1}{4}$ share in three properties. Again a sale deed was executed on 20.01.2024 conveying the another $\frac{1}{4}$ share in three properties. Thereby, the petitioner became the onwer of the undivided share in the property. The petitioner also sold an extent of the property through a sale deed dated 23.08.2024 registered as document No.3965 of 2024 and another extent through sale deed dated 19.12.2024 through document No.5467 of 2024. With respect to another small extent, the petitioner executed a sale deed dated 22.03.2025 and that was also registered as document No.251/2025. When the remaining extent of property was sought to be sold by sale deed dated 22.03.2025, the impugned refusal check slip came to be issued by the respondent on the ground that there is a dispute with regard to the title of the petitioner from his vendor P.Chandra.

6. In the considered view of this Court, the refusal check slip suffers from non application of mind. The vendor of the petitioner has already been



allowed to deal with the property and thereafter, the petitioner became the owner of the property. The petitioner has already executed four documents which were all registered without any objections. When the balance remaining extent was sought to be dealt with by the petitioner, the respondent has raised new objection by questioning the title of the petitioner. In the considered view of this Court, the respondent does not possess any right to get into the title issue. This is more so due to the fact that the respondent has permitted the petitioner to deal with all the remaining extent and for the first time, such a ground is raised against the petitioner touching upon the title. The same is not sustainable.

7. In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 22.03.2025 is hereby quashed and there shall be a direction to the respondent to entertain and register the sale deed dated 22.03.2025, if it is otherwise in order.

8. This writ petition is allowed with the above directions. No costs.

15-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Sub Registrar

Mallamsamudhram Sub Registrar

Office, Mallasamudhram, Namakkal

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N.ANAND VENKATESH J.

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