



W.P.No.14728 Of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.14728 of 2025

M.INDIRANI

..Petitioner

Vs

1 THE SUB REGISTRAR
KOMARAPALAYAM
NAMAKKAL DISTRICT.

2 MUTHUSAMY.
(R-2 impleaded as per order dated 10.10.2025 in
W.M.P.No.18454 of 2023 in this W.P. by KRJ)

Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to call for
records pertaining to the impugned order passed by the respondent dated
12.04.2025 in registration refusal serial no.RFL/ KOMARAPALAYAM/ BOOK-2/
2 and to quash the same consequently issue direction directing the respondent to
register the sale deed dated 19.02.2025 in pending document No.P18 on the file of



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the respondent

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent-1 : Mr.Abishek Murthy
Government Advocate

For Respondent-2 : Mr.B.Jawahar

Order

The challenge in this Writ Petition is to the Refusal Check Slip issued by the first respondent dated 12.04.2025 to quash the same and consequently, to direct the first respondent to register the sale deed dated 19.02.2025.

2. The learned counsel for the petitioner would submit that the petitioner presented a sale deed for registration before the first respondent, but, the same was refused by the first respondent by virtue of the Refusal



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Check Slip dated 12.04.2025, citing the reason that the second respondent has filed a Protest Petition No.61 of 2024 by stating that he is the owner of the property covered in the sale deed dated 19.02.2025.

2.1 It is the contention of the learned counsel for the petitioner that the petitioner, being a Class I Legal heir to his deceased father, Kandasamy Gounder, inherited right/title/interest over the properties purchased by his father along with his ancestral properties and therefore, it is not fair on the part of the first respondent to refuse to register the sale deed which was presented by the petitioner for registration on the ground of objection raised by some third parties, viz., the second respondent herein, that too, without even conducting any enquiry as regards the petitioner's entitlement over the property.

3. The learned Government Advocate for the first respondent



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submitted that since the second respondent has filed a Protest Petition raising

objection for registration of the sale deed executed by the petitioner, the first

respondent has passed the impugned proceedings, however, it is fairly

submitted that since the first respondent has passed the impugned

proceedings without conducting any enquiry with regard to such objection

raised by the second respondent, the same may be set aside and this Court

may pass any orders directing the first respondent to register the petitioner's

document after conducting enquiry on such protest petition, and in the event

of any direction is issued in that regard, the same would be complied with by

the respondent-Registering Authority and would act accordingly in

consonance with the law laid down by the Hon'ble Division Bench of this

Court in the case of **Sudha Ravi Kumar Vs. The Special Commissioner**

and Commissioner of H.R.& C.E. Dept.) reported in **A.I.R. 2017 MAD**

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4. The learned counsel for the second respondent would submit that

the second respondent is the owner of the property covered in the sale deed presented by the petitioner, hence, the second respondent filed a Protest Petition and requested the first respondent not to register any document with respect to the subject property and accordingly, the first respondent refused to register the document presented by the petitioner, however, he fairly submitted that since the said refusal has been made without conducting enquiry, both the parties may be put on notice of enquiry and after hearing them and conducting enquiry, appropriate orders may be passed by the first respondent.

5. Heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioner, Mr.Abishek Murthy, learned Government Advocate for the first respondent and Mr.B.Jawahar, learned counsel for the second respondent and perused the materials available on record.



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6. In the present case, the petitioner has decided to sell his share in the properties and accordingly, he executed a sale deed in favour of one Chandrasekaran, but, when the said document was presented for registration, the first respondent refused to register the same citing the reason objection was raised by the second respondent by way of Protest Petition. However, this Court, taking into consideration of the fair submission made by the learned Government Advocate for the first respondent that the impugned proceedings of refusal has been made without even conducting any enquiry as regards the objection raised by second respondent with regard to the petitioner's entitlement over the subject property and that the first respondent would conduct enquiry and proceed with the registration of the sale deed in accordance with the law laid down by the Hon'ble Division Bench of this Court in **(Sudha Ravi Kumar's case)** referred to supra, this Court is



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inclined to pass the following orders:-

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i) The first respondent is directed to put on notice of enquiry to both the petitioner and the second respondent in regard to the Protest Petition filed by the second respondent and after hearing both sides and on completion of such enquiry shall pass orders in accordance with law in consonance with the decision rendered in the case of **Sudha Ravi Kumar Vs. The Special Commissioner and Commissioner of H.R.& C.E. Dept.)**

7. The Writ Petition is disposed of accordingly. No costs.

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Index : yes/no

Neutral Citation : yes/no

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To

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KOMARAPALAYAM
NAMAKKAL DISTRICT.

Krishnan Ramasamy,J.,

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