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W.P.No. 22478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.22478 of 2024

K.Govindharaj

.... Petitioner

Vs

The Sub Registrar
Pochampalli
Krishnagiri District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in refusal Sl.No.RFL/Pochampalli/19/2024 dated 30.04.2024 and to quash the same as illegal, unconstitutional and without jurisdiction and to further direct the first respondent to register the sale deed dated 30.04.2024, in respect of Survey No.193/5, Kannadahalli Revenue Village, Bargur Circle, Krishnagiri District, admeasuring Hectrare 0.78.50 (Punja Ares 1.94).



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For Petitioner : M/s.T.Dharani
For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

Aggrieved by the refusal on the part of the respondent to register the sale deed dated 30.04.2024, in respect of the property admeasuring 0.78.50 hectare (Punja Ares 1.94) in Sy.No.193/5, Kannadahalli Revenue Village, Bargur Circle, Krishagiri, the petitioner is before this Court.

2. The petitioner would contend that he had purchased the above mentioned property from one Nagammal and her sister Anjala on 30.03.2012 vide registered sale deed bearing Doc.Nos.1020/2012 and 1021/2012 on the file of Sub Registrar, Pochampalli and that patta was also mutated in the name of the petitioner. Be that as it may, the



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petitioner herein wanted to sell his property and had executed a sale deed on 30.04.2024 in favour of G.Ramesh and P.S.Govindaraj. When the said document was presented for registration, the respondent refused to register the same and issued the impugned check slip.

3. The refusal was on the ground that the subject property admeasuring 0.78.5 hectare in Sy.No.193/5, is the subject matter of suits in O.S.No.11 of 1992 on the file of Sub Court, Krishnagiri, and O.S.No.27/2012 on the file of District Munsif Court in Pochampalli, and that the judgments in both the suits give a conflicting judgment.

4. According to the petitioner, the details of two suits that find place in the ground for refusal are as below :

a) The suit in O.S.No.11 of 1992 was filed for partition by one Govindammal (now deceased) as plaintiff against the defendants therein, of whom the vendors of the petitioner are also the parties.

A preliminary decree came to be passed in O.S.No.11 of 1992,



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following which, I.A.No.298 of 2004 in O.S.No.11/1992 was filed for final decree. By an order dated 19.12.2005 in I.A.No.298 of 2004, a final decree came to be passed partitioning the scheduled property therein, and accordingly the properties were allotted to Nagammal and Anjala (the vendors of the petitioner) and they had sold their properties to the petitioner herein vide sale deeds dated 30.03.2012.

b) The second suit in O.S.No.27 of 2012 was laid by the petitioner herein against one Kuppammal, his adjacent land owner, on the file of District Munsif cum Judicial Magistrate Court, Pochampalli, seeking permanent injunction, and the suit was decreed in favour of the petitioner on 10.06.2012.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

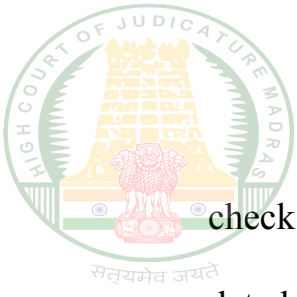


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6. A perusal of the records would reveal that I.A.No.298/2004 in O.S.No.11/1992 is a final decree proceedings in a partition suit in O.S.No.11/1992, filed by one Govindammal against a set of defendants, of whom, the vendors of the petitioner are the parties and they had been allotted a share in the schedule of property therein, and that there ended a sale in favour of the petitioner. Whereas the suit in O.S.No.27 of 2012 was filed by the petitioner against his adjacent land owner, seeking permanent injunction, when he interfered with the petitioner's possession. Here the petitioner had proved his title over the subject property, and the same had been declared by the Court vide judgment and decree dated 10.06.2012 in O.S.No.27 of 2012. Therefore, this Court finds no impediment for the registration of the sale deed now produced by the petitioner, and accordingly, the impugned refusal check slip cannot be sustained.

7. To conclude, the writ petition is allowed and the impugned refusal



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check slip is set aside. The respondent is directed to register the sale deed dated 30.04.2024 within a period of two (2) weeks from the date of presentation of the said document by the petitioner. No costs.

27.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To:
The Sub Registrar
Pochampalli
Krishnagiri District.



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P.T.ASHA, J.,

ds

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