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W.P.No.31778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM :

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

Writ Petition No.31778 of 2024

K.Ganapathi

....

Petitioner

-Vs-

1.The Joint Sub Registrar No.2
Office of the Sub-Registrar
Dharmapuri
Dharmapuri District.

2.Akkumari

..Respondents

(R2-Impleaded as per order dt.21.11.2024
in WMP 36100/2024 in WP.31778/2024 by
PTAJ)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the Refusal Check Slip dated 10.04.2024 in RFL/Joint Sub Registrar No.2, Dharmapuri/56/2024 issued by the respondent herein and quash the same and consequently direct the respondent to register the Gift deed dated 24.01.2024 on representation within a time frame to be stipulated by this Court.



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W.P.No.31778 of 2024

For Petitioner : Mr.C.Munusamy

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

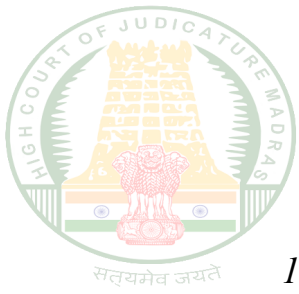
ORDER

This writ petition has been filed challenging the refusal check slip dated 10.04.2024 issued by the 1st respondent.

2.When the matter came up for hearing on 06.02.2025, this Court passed the following order:

The refusal check slip has been issued by the 1st respondent mainly on the ground that the property in S.No.194/2 measuring an extent of 0.21.25 hectares was included in a sale deed which was registered as Document No.5332/2020. While executing the settlement deed, this property was also added to the schedule of property. In view of the same, the 1st respondent has come to the conclusion that the property which has already been sold earlier cannot be once again dealt with in the settlement deed. Accordingly, the petitioner was directed to properly describe the schedule of property and represent the document.

2.The learned counsel for the petitioner seeks for time to get some clarification in this regard.



W.P.No.31778 of 2022

3.Post this case under the caption 'part heard cases' on

10.02.2025.

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3.Heard Mr.C.Munusamy, learned counsel for the petitioner and Mr.P.Harish, learned Government Advocate for R1.

4.The main ground that was raised by the learned counsel for the peetitioner is that the sale deed dated 10.12.2020 was executed based on the fake joint patta issued in Patta No.203. This patta was, subsequently cancelled by the Sub Collector through proceedings dated 29.04.2022. In view of the same, it was contended that the sale deeds become non-est in the eye of law and therefore there is no bar in entertaining and registering the settlement deed that was executed by the petitioner in favour of his son.

5.In the considered view of this Court, the mere cancellation of the patta, does not automatically result in the cancellation of the sale deed. Even if the sale deed was executed based on that patta, the sale deed must be declared to be bad in the manner known to law. Till the sale deed is set at naught, the petitioner cannot deal with the very same property through a settlement deed. In view of the same, it is left open to the petitioner to question the sale deed before the competent court/authority and depending upon the result, the petitioner can deal with the property. Except giving this clarity, no further orders can be passed in this writ petition.



W.P.No.31778 of 2024

N.ANAND VENKATESH, J.

KP

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

10.02.2025

Index : Yes/No

NCS : Yes/No

KP

To

The Joint Sub Registrar No.2
Office of the Sub-Registrar
Dharmapuri
Dharmapuri District.

Writ Petition No.31778 of 2024