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W.P.No.35699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.35699 of 2024

Jayaraman

...Petitioner

Vs

1.The District Registrar (Administration)

Thiruvannamalai

Thiruvannamalai District.

2.The Sub Registrar

Thandampattu

Thiruvannamalai District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, directing the 1st respondent namely the District Registrar (Administration) Thiruvannamalai district to dispose of petitioner's appeal dated 24.10.2024 filed against the order of 2nd respondent vide Refusal Number RFL / Thandampattu / 268 / 2024 dated 16.10.2024 within a time fixed by this Court.

For Petitioner : M/s.N.Ranjith Kumar

For Respondents : M/s.C.Meera Arumugam
Additional Government Pleader
(For R1 & R2)



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ORDER

Challenging the refusal check slip dated 16.10.2024, the petitioner is before this Court.

2.The facts are set out herein below:-

The petitioner is the owner of an extent of 1.34 acres comprised in Survey No.47/3C, Valavachanur village, Thiruvannamalai District, by virtue of registered sale deed bearing Document No.1054/1995 on the file of the second respondent. The petitioner would submit that he has been in continuous possession and enjoyment of the said property without any disturbance. The property originally measured a total extent of 2 acres and 34 cents. Petitioner would submit that originally the ancestral property stood in the name of his father Muthusamy Udaiyar was situate near the property in question. After his demise on 26.04.2005, the petitioner along with his brothers Sakkarapani and Dharmalingam had executed a registered partition deed bearing Document No.751/2005 on the file of the second respondent. Under the said document the 'C' schedule was allotted to the share of the petitioner. His brother Dharmalingam was allotted 'B' schedule property. The



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petitioner on account of his old age had decided to settle the property in favour of his son Venkatesan and the settlement deed in question came to be executed by him on 06.08.2024. The deed was in respect of various properties including the property comprised in Survey No.47/3C1 measuring a total extent of 1.06 $\frac{3}{4}$ acres. The petitioner would submit that he has also sold an extent of 22 cents in the above said survey number to third parties. Therefore, after these sale and the settlement the petitioner is entitled to 6 cents. When the settlement deed was presented for registration the second respondent had refused to register the said document and directed the party to approach the Court in respect of title and on the basis of which the refusal check slip has been issued on the ground that on a perusal of the encumbrance certificate it is seen that an extent of 0.44 $\frac{1}{2}$ cents has been purchased by Dharmalingam from one Vijayalakshmi under registered document bearing No.583/1997. Further under document No.751/2005 under the partition deed 0.04 $\frac{1}{2}$ cents has been registered and an extent of 1.06 $\frac{3}{4}$ cents in the said village has been submitted for registration.

3.The second respondent has filed a counter affidavit reiterating the contents of the refusal check slip.



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WEB COPY 4. Heard the learned counsels on either side and perused the records. The learned Additional Government Pleader takes notice on behalf of respondents.

5. A perusal of the counter would show that the second respondent has extensively gone into the question of title in the said survey number. It is stated that a total extent of 2 acres 34 cents is available. The petitioner has purchased 1 acre and 34 cents. Dharmalingam from one Vijyalakshmi had purchased another extent of 44 ½ cents out of 1.34 acres. Therefore, out of the 1 acre and 34 cents the petitioner is settling an extent of 1.06 ¾ acres. The remaining lands continue to remain with the petitioner. The sale in favour of Dharmalingam by Vijyalakshmi could be from out of the other extent of 1.34 acres that remains from out of the extent. The registered sale deed in favour of petitioner is prior in time. The total extent in the said survey number is 2 acre 47 cents and the petitioner has purchased 1 acre 34 cents. There is still balance of 1 acre 33 cents. The Registering Authority cannot go into a roving enquiry. The 1st respondent/ the District Registrar (Administration), Thiruvannamalai district, is directed to dispose of petitioner's appeal dated 24.10.2024.



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WEB COPY 6. Accordingly, this Writ Petition is allowed with the above direction. No costs.

09.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To

1.The District Registrar (Administration)
Thiruvannamalai
Thiruvannamalai District.

2.The Sub Registrar
Thandarampattu
Thiruvannamalai District.

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