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W.P.No.38349 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.38349 of 2024

1.Mr.N.Kumaresan
2.Mr.G.Ponkannan

... Petitioner(s)

Vs.

1.The District Registrar,
Registration Department,
Tiruvallur District.

2.The Sub-Registrar,
Manavalan Nagar SRO,
Tiruvallur District.

3.M.Kannadasan

...Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, by directing the 2nd respondent herein to register the properties belonging to the petitioners in the survey numbers 96/4 (0.97 cents), 96/5 (0.81 cents), 96/6 (0.29 cents), 140/1, 140/7, 140/10, 141/1, 141/3, 141/9, 142/4 situated in the Tirur Village, Tiruvallur District, Manavalan Nagar SRO.



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For Petitioner(s) : Mr.V.Manisekaran
for Ms.V.F.Sheeba

For Respondent(s) : Mr.U.Baranidharan for R1 & R2
Special Government Pleader
Mr.R.Krishnaswamy for R3

ORDER

In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 3rd respondent is dispensed with.

2.The present writ petition is filed to direct the 2nd respondent to register the properties belonging to the petitioners in S.Nos.96/4 (0.97 cents), 96/5 (0.81 cents), 96/6 (0.29 cents), 140/1, 140/7, 140/10, 141/1, 141/3, 141/9, 142/4 situated at Tirur Village, Tiruvallur District.

3.It is submitted by the learned counsel for the petitioner that the above mentioned property belonged to Mr.M.V.Krishnaswamy who executed a Will dated 26.07.1927 bequeathing the property in favour of his 8 legal heirs. The Will dated 26.07.1927 came into force and the legal heirs of the deceased testator filed an application under Section 213 of the Indian Succession Act, 1925 in O.P.No.180 of 1927 and letter of Administration was granted vide order dated 15.09.1927.

4.It is further submitted that petitioner's earlier request for



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registration of Sale Deed was refused vide refusal notice dated 10.10.2023 by stating that an injunction order was passed in O.S.No.158 of 1989. This Court in W.P.No.929 of 2024 quashed the refusal notice dated 10.10.2023 and directed the respondents therein to register the document. However, respondent authority refused to register by stating that a protest petition was filed on 22.04.2016 based on an exparte decree in O.S.No.190 of 2012. Thereafter, a restoration petition has been filed by the petitioner in O.S.No.181 of 2013 to declare title and nullify the decree.

5.On this being pointed out, the learned Special Government Pleader would submit that the petitioner may be directed to re-present the Sale Deed and the same would be considered along with the objection petition filed by the 3rd respondent after giving a copy of the objection petition to the petitioner and thereafter proceed to register the Sale Deed if it is otherwise in order. If for any reason, there is a need for refusal of registration of the Sale Deed, they would do so after assigning reason, which was agreed to by the learned counsel for the petitioner.



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6. In view thereof, the Writ Petition stands disposed of. The

petitioner may re-present the Sale Deed and 2nd respondent is directed to register the Sale Deed if it is otherwise in order. If for any reason, there is a need for refusal of registration of the Sale Deed, they would do so after assigning reason. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. No costs.

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Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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