



W.P (MD).No.1585 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.1585 of 2025

and

W.M.P(MD)Nos.1128 & 1129 of 2025

1.N.Murugesan Nadar
2.M.Mercy

...Petitioners

Vs.

1.The District Registrar (Administration
Cheranmahadevi,
Tirunelveli District.

2.The Sub-Registrar,
Office of Sub-Registrar,
Kalakkad, Tirunelveli District.

3. M.Meena
4.V.Sriram
5.V.Renganathan
6.K.Karuppaiah
7.S.Krishnaveni

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 31.10.2023 passed by the first respondent and quash the sale deed dated 02.05.2023 presented by the petitioners within the time limit that may be stipulated by this Court.



For Petitioner : Mr.R.Ponkarthikeyan
For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 31.10.2023 thereby dismissed the appeal as against the order of refusal check slip issued by the second respondent dated 22.06.2023 thereby refused to register the sale deed dated 02.05.2023 on the ground that there is already an agreement for sale is pending and objections raised by the agreement holder in respect of the property comprised in S.No.661/1B to an extent of 24 cents and S.No.661/1A to an extent of 6 cents situated at Padalayarkulam Village, Nanguneri Taluk, Tirunelveli District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. The lands comprised in S.No.661/1B to an extent of 24 cents and S.No.661/1A to an extent of 6 cents originally purchased by Late Pannai Venkataraman by virtue of sale deed dated 16.09.1981 from one Muhaideen



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Beevi, thereafter, he died on 01.07.2005 leaving behind the respondents 3 to 5 as his legal heirs. The respondents 3 to 5 intended to sell the said property in favour of the petitioner and had executed the sale deed and presented the same for registration. It was pending as pending document No.P/9/2023, thereafter, refused to register the same on the ground that the petitioner's vendor had entered into an unregistered sale agreement with the sixth respondent on 24.08.2006. Therefore, the sixth respondent made an objections to register the sale deed. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and the same was dismissed and confirmed the refusal check slip issued by the second respondent.

5. On perusal of the refusal check slip issued by the second respondent revealed that the second respondent relied upon the suit in O.S.No. 252 of 2023 filed by the respondents 6 & 7. That apart, a complaint was also lodged as against the petitioner and it is pending. On perusal of the plaint in O.S.No.252 of 2023 revealed that the respondents 6 & 7 filed a suit as against the respondents 3 to 5 herein for recovery of money and the same is nothing to do with the agreement of sale and the agreement is unregistered one. Even assuming that it is a registered one and it is pending, the agreement of sale is not impediment for the registering authority to register the same property.



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6. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that before issuance of refusal check slip the petitioner was served with notice to call upon him to submit an explanation, however, on receipt of the same, the petitioner failed to submit any explanation. Further, the complaint also lodged as against the petitioner and it is pending.

7. In view of the above, the impugned refusal check slip issued by the second respondent, dated 22.06.2023 and the order of the first respondent dated 31.10.2023 cannot be sustained and it is liable to be quashed. Accordingly, the writ petition is allowed and the impugned order passed by the second respondent dated 22.06.2023 and the order passed by the first respondent dated 31.10.2023 are quashed. The petitioners are directed to represent the sale deed before the second respondent and on receipt of the same, the second respondent is directed to registered the same and release the document forthwith, if it is otherwise in order. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

23.01.2025



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To

- 1.The District Registrar (Administration
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Tirunelveli District.
- 2.The Sub-Registrar,
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G.K.ILANTHIRAIYAN, J.

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