

W.P(MD).No.2811 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD).No.2811 of 2025

1.J.Mehala Devi

2.J.Sathis Kannan

3.J.Mathukannan

4.J.Jagadishkannan

...Petitioners

Vs

1.The District Registrar (Admin)
O/o.District Registrar
Sivaganga District.

2.The Joint Sub Registrar,
Joint Sub Registrar Office II,
Sivaganga,
Sivaganga District.

3.Meenakshi

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, or any other appropriate Writ or Order or Direction, to call for the records in pursuant to the 2nd respondent impugned refusal slip in RFL/No2, Joint Registrar, Sivagangai/1/2025 dated 13.01.2025 quash the same and consequently direct the 2nd respondent to register the sale deed dated 13.01.2025 in S.No.219 in an extent of 7 acres 93 cents, Udaikulam Village, Poovali Group, Kalaiyarkovil Taluk, Sivagangai District.



WEB COPY



W.P(MD).No.2811 of 2025

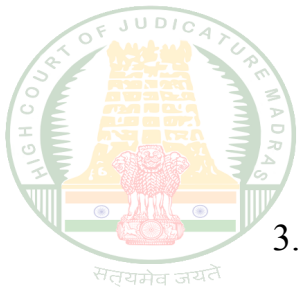
For Petitioners : Mr.J.John
For R1 & R2 : Mr.R.Suresh Kumar
Additional Government Pleader
For R3 : Mr.B.Aravind Sreevatsa

ORDER

The Writ Petition has been filed for the following reliefs:-

To call for the records in pursuant to the 2nd respondent impugned refusal slip in RFL/No2, Joint Registrar, Sivagangai/1/2025 dated 13.01.2025 quash the same and consequently direct the 2nd respondent to register the sale deed dated 13.01.2025 in S.No.219 in an extent of 7 acres 93 cents, Udaikulam Village, Poovali Group, Kalaiyarkovil Taluk, Sivagangai District.

2.Petitioners are the legal heirs of one Jeyakan. They plead that Jeyakan had purchased the properties situated at S.No.290 of Udaikulam Village, Poovali group, Kalaiyarkovil Taluk, Sivagangai District from two persons, namely, Pichaiappan @ Pichai, S/o.Thadiyappa Kone and Alagar, S/o. Muthu Gounder. They add that on 23.01.2006, Jeyakan had passed away. On his death, he left behind as his legal heirs his parents, Writ Petitioners and his second wife.



W.P(MD).No.2811 of 2025

3. On 18.02.2005, the third respondent Meenakshi claimed to have purchased the very same property from one Nagalingam, S/o. Alagar Kone and one Punitha, daughter of Pichaiappan. The petitioners plead that without verifying the details the Sub Registrar had registered the alleged fraudulent sale deed, in favour of the third respondent. Petitioners states that on coming to know all the fraudulent act, they lodged a complaint with the District Registrar, (Administration), Sivaganga District. On 15.06.2016, the District Registrar passed an order directing the second respondent to lodge a complaint arraying the third respondent and her vendors as accused.

4. Thereafter one Chellammal, wife of vendor of the petitioners' father, presented a suit in O.S.No.424 of 2020 on the file of the Subordinate Court at Sivagangai. This is a suit seeking declaration to declare the sale deed executed in favour of Jeyakan as null and void and also for the relief of partition. Though Jeyakan had passed away in the year 2006, he had been impleaded as the third defendant in the suit.

5. As the order of the first respondent dated 15.06.2016 had not been implemented, the petitioners filed W.P(MD).No.15332 of 2020 seeking the implementation of the order. This Writ Petition was ordered on 05.10.2023. Thereafter, the petitioners lodged a criminal complaint against the third

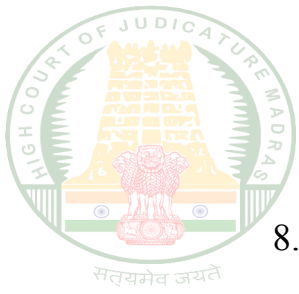


W.P(MD).No.2811 of 2025

respondent before the District Crime Branch at Sivagangai. The said complaint was taken on file by the DCB, Sivagangai in Crime No.21 of 2023 on 20.12.2023. The petitioners alleged that the third respondent and her vendors have committed offences attracting punishment under Section 420, 465, 467, 468, 471 and 109 of the Indian Penal Code.

6.In order to avoid arrest the third respondent moved this Court for anticipatory bail. This petition was numbered as CrI.O.P.(MD).No.23600 of 2023. When the bail application came up for hearing on 31.01.2024, the third respondent accepted to cancel the sale deed executed in her favour, as a condition, for grant of bail. Recording the same, anticipatory bail was granted directing the third respondent and her vendors to execute the cancellation deed. The third respondent pleaded that when she attempted to contact her vendors, she came to know that they are not traceable. Therefore, the order dated 31.01.2024 was modified directing the third respondent to file a suit for a declaration that the sale deed is null and void.

7.Pursuant to the undertaking given to this Court, the third respondent presented a suit in O.S.No.125 of 2024 on the file of the Subordinate Court at Sivagangai. The learned Subordinate Judge rejected the suit holding that the same is barred by limitation.



W.P(MD).No.2811 of 2025

8. Thereafter, the petitioners claimed to be the legal heirs of the original owner of the property presented a sale deed in favour of one Rameshkumar. They presented the same for registration. This sale deed was refused to be registered by the second respondent stating the following reasons:-

- a) The original documents of the property had not been produced.
- b) The revenue records had not been produced.
- c) The legal heirship certificate and the death certificate of Jeyakan had not been produced by the Writ Petitioners.
- d) A suit is pending in O.S.No.424 of 2020 and since suit is pending in O.S.No.424 of 2020, registration of this document will account to double entry.

Challenging the same the present Writ Petition has been filed.

9. Taking note that the third respondent also has a sale deed in her favour, I issued notice to the third respondent. Mr. Suresh Kumar takes notice for the respondents 1 and 2.

10. Mr. John for the petitioners reiterated the facts stated in the affidavit that as the writ petitioners are the legal heirs of Jeyakan, they are entitled to alienate the property. Mr. Aravind Sreevatsa appearing for the



W.P(MD).No.2811 of 2025

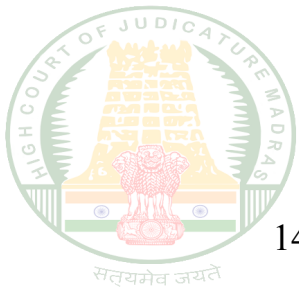
WEB COPY

third respondent stated that the third respondent had complied with the requirements of the order passed in Crl.O.P.No.23600 of 2023 and the modification order passed by this Court on 31.01.2024. He pleads that she has presented a suit, unfortunately, the same had been rejected. He states that he had preferred an appeal against the rejection of plaint and the same is pending consideration.

11.Mr.Suresh Kumar, the learned Additional Government Pleader argues that the impugned order is sustainable in all reasons.

12.I heard Mr.John for the Writ Petitioners and gone through the records.

13.Insofar as the demand for production of the original documents and revenue records is concerned, it has been settled by a judgment of Division Bench of this Court in ***P.Pappu Vs. The Sub Registrar, 2024 (4) CTC 575*** that a Sub Registrar cannot demand for production of the original deeds as condition precedent for registration of a subsequent document. Therefore, the first two reasons given by the Sub Registrar for the rejection of the document cannot be sustained.



W.P(MD).No.2811 of 2025

14.Insofar as the legal heirship certificate of the deceased Jeyakan is concerned Mr.John states that the petitioners will upload the same along with the draft of the sale deed that is being executed by them in favour of Ramesh Kumar. That resolves the third issue.

15.Insofar as the double documentation is concerned, this Court in ***T.Senthilvel Vs The District Registrar in WP.(MD).No.22114 of 2024 dated 17.10.2024***, held that for a mere fact that there would be a double entry, a document cannot be refused to be registered. Respectfully applying the said verdict to the facts of the case, the last reason given by the Sub Registrar, which is strongly urged as a ground to sustain the order by Mr.Suresh Kumar, also stands rejected.

16.With reference to the last objection that the suit in O.S.No.424 of 2020 is pending, I should point out the fact that the pending suit does not bar a person from presenting a document. This position too has been settled by a Division Bench of this Court in ***N.Ramayee Vs The Sub Registrar and others, 2020 (6) CTC 697***.

17.In the light of the above discussion, the impugned check slip cannot be sustained. This Writ Petition is allowed. The impugned Check



W.P(MD).No.2811 of 2025

Slip is quashed. There shall be a direction to the second respondent to receive the sale deed executed by the Writ Petitioners in favour of Ramesh Kumar and register the same within a period of two weeks from the date of receipt of copy of this order. No costs.

07.04.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

To
1.The District Registrar (Admin)
O/o.District Registrar
Sivaganga District.

2.The Joint Sub Registrar,
Joint Sub Registrar Office II,
Sivaganga,
Sivaganga District.



WEB COPY



W.P(MD).No.2811 of 2025

V.LAKSHMINARAYANAN, J,

ep

W.P(MD).No.2811 of 2025
W.M.P.(MD).No.1966 of 2025

07.04.2025