



W.P.(MD)No.5484 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.02.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.5484 of 2025

Haribabu

... Petitioner

vs.

1.The District Registrar (Administration),
Trichy District.

2.The Sub Registrar,
Tiruverumbur Sub Registrar's Office,
Tiruverumbur, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip No.RFL/திருவரம்பூர்/409/2024 dated 12.12.2024 issued by the second respondent herein quash the same as illegal and consequently direct the second respondent herein to register the sale deed dated 11.12.2024 within a stipulated period fixed by this Court.

For Petitioner : Mr.KArunraj

For Respondents : Mr.P.T.Thiraviam
Government Advocate



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ORDER

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The petitioner states that he had purchased plot No.141 to an extent of 2400 sq.ft from the following persons:-

- (i) Karuppan
- (ii) Thayarammal
- (iii) Sivakamu @ Sivakami
- (iv) Periyasamy
- (v) Thangaponnu
- (vi) Sellam and
- (vii) Pappa.

The sale had been registered on 15.11.1999. The petitioner claims that he has been in possession and enjoyment of the property from the date of sale to till date. He alleges that one of his vendors, namely, Sivakamu @ Sivakami, wife of Periyasamy, had alienated the subject property in favour of M/s.Sekar Vinith Reality Private Limited, Chennai, after having alienated the same in 1999 in his favour.

2. The petitioner protested against the alienation of the property by his vendor in favour of the third party and gave a representation to the respondents.



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3. As the petitioner was facing some financial issues, he decided to alienate the property in favour of one Ramanandh. When he presented a sale deed for registration on 11.12.2024, the second respondent refused to register the document on the ground that there is already a sale deed covering the property, which was executed on 20.05.2010 and if the present document is received and registered, it would amount to “double entry”. Challenging the same, the present writ petition.

4. I heard Mr.K.Arunraj for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondents.

5. Mr.K.Arunraj reiterated the facts pleaded in the affidavit and stated that the second respondent cannot embark on an enquiry into the title. He urges that the petitioner had purchased the property in the year 1999 and that the alienation had been made subsequently by Sivakamu @ Sivakami in favour of M/s.Sekar Vinith Reality Private Limited, Chennai, in the year 2010 would not bind him. He urges the petitioner has better title to the property.



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6. Mr.P.T.Thiraviam has received written instructions from the second respondent and states that the second respondent wanted to avoid the double entry on his file and therefore, he had refused to register the document. He points out that as per Document No.3922 of 2010, Sivakamu @ Sivakami had alienated the property in favour of M/s.Sekar Vinith Reality Private Limited, Chennai, for the very same plot and hence, the impugned order had been passed.

7. I have carefully considered the submissions made on both sides.

8. In terms of Rule 55 of the Registration Rules, it is not the duty of the Sub Registrar to enquire into the title. The issue as to whether the petitioner is the owner of the property or Sivakamu @ Sivakami or M/s.Sekar Vinith Reality Private Limited is the owner of the property, need not trouble the second respondent. That is the matter, which the parties have to appropriately address before the civil Court by filing a suit for declaration of title. A mere registration of sale deed will not confer a right over the property in favour of the purchaser, if the executant has no title to the same.



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9. In view of the above discussion, the impugned order passed by the second respondent in refusal check slip No.RFL/திருவாரம்புர/409/2024 dated 12.12.2024 is hereby quashed. There shall be a direction to the second respondent to register the sale deed presented by the petitioner on 11.12.2024 within a period of three(3) weeks from today (i.e., 28.02.2025).

10. In result, this Writ Petition stands allowed. No costs.

11. Post “for reporting compliance” on 24.03.2025.

Index :Yes / No
NCC :Yes / No
Rmk

28.02.2025

To

1.The District Registrar (Administration),
Trichy District.

2.The Sub Registrar,
Tiruverumbur Sub Registrar's Office,
Tiruverumbur, Trichy District.

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V. LAKSHMINARAYANAN, J.

Rmk

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