



W.A.(MD)No.1732 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 30.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1732 of 2025**

J.Uthayakumar

... Appellant

Vs.

1.The Sub-Registrar,  
Theni.

2.E.Balasubramanian

... Respondents

**Prayer** : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.28523 of 2024 dated 05.12.2024 on the file of this Court.

For Appellant : Mr.K.K.Udhayakumar,  
For Mr.H.Arumugam.

For Respondents : Mr.D.Sasikumar,  
Addl. Government Pleader for R1.



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**JUDGMENT**  
**(By G.R.SWAMINATHAN, J.)**

Heard both sides.

2.The appellant herein executed sale deed dated 20.11.2024 in favour of one Balasubramanian and it was presented for registration before the Sub Registrar, Theni. Registration was refused and refusal check slip was issued to that effect. Questioning the same, the appellant as well as the purchaser jointly filed W.P.(MD)No.28523 of 2024. The learned Single Judge dismissed the writ petition vide order dated 05.12.2024. Aggrieved by the same, this writ appeal has been filed.

3.It is not in dispute that the appellant's father / Jayaram purchased the petition mentioned property in the year 2010. The appellant claims that Jayaram executed a Will in his favour bequeathing the petition mentioned property on 13.08.2017. Jayaram passed away on 14.08.2017. It is on the strength on this bequest set out in the Will dated 13.08.2017, the sale deed has been executed. It is seen that the appellant's



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sister-in-law has questioned the Will and the appellant is yet to prove the Will. It is pending consideration in Probate O.P.No.2 of 2017 on the file Principal District Court, Theni. It is also seen that Raji / appellant's sister-in-law had filed O.S.No.72 of 2019 on the file Additional District Court, Theni. As observed by the learned Single Judge, the title is in serious dispute. Unless, the appellant succeeds in the civil proceedings, the petition mentioned property cannot be permitted to be conveyed by him in favour of the second respondent or any third party. The appellant has to necessarily await the outcome of the civil proceedings. We do not find any ground to interfere with the order of the learned Single Judge dismissing the writ petition. The writ appeal stands dismissed. No costs.

**(G.R.S. J.) & (K.R.S. J.)**  
**30.06.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias

To:

The Sub-Registrar,  
Theni.

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**G.R.SWAMINATHAN, J.**  
**and**  
**K.RAJASEKAR, J.**

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