



W.P(MD)No.9105 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.9105 of 2024

and

W.M.P(MD)No.8294 of 2024

Thamma Nayakar

.. Petitioners

Vs.

1. The District Registrar,
O/o. the District Registrar,
Karur District.
2. The Sub Registrar,
Tharagampatti, Kadavoor Taluk,
Karur District.
3. Appa Nayakar

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritiorari, to call for the records relating to the refusal check slip issued by the 2nd respondent in his proceedings in RFL / Tharakampatti / 14 /2024 dated 14.03.2024 and quash the same as illegal and consequently directing the 2nd Respondent to register the sale deed dated 14.03.2024 executed by the petitioner and others qua the land to an extent of 3 acres and 6 cents comprised in S.Nos.722/1, the lands comprised in S.No. 724/1 to 3 and the land to an extent of 7 Acres and 25 cents in S.No. 722/2 Sembiyanatham village, Kadavoor taluk, Karur District within the period that may be stipulated by this Court.



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For Petitioner : Mr.H.Jasima Yasmin,
for M/S.Ajmal Associates

For Respondents : Mr.S.Saji Bino
Special Government Pleader for R1 & R2

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the refusal check slip issued by the 2nd respondent in his proceedings in RFL / Tharakampatti / 14 /2024 dated 14.03.2024 and consequently directing the 2nd Respondent to register the sale deed dated 14.03.2024 executed by the petitioner and others qua the land to an extent of 3 acres and 6 cents comprised in S.Nos.722/1, the lands comprised in S.No. 724/1 to 3 and the land to an extent of 7 Acres and 25 cents in S.No. 722/2 Sembiyanatham village, Kadavoor taluk, Karur District within the period that may be stipulated by this Court.

2. It is the case of the petitioner that one Bomma Nayakar had two sons, viz., Appa Nayakar and Perumal Nayakar had two sons viz., Appa Nayakar and Perumal Nayakar. The legal heirs of Bomma Nayakar, had executed a sale deed dated 14.03.2024 in favour of one Murugesan qua the land to an extent of 3 acres and 6 cents comprised in S.no.722/1, the lands comprised in S.No.724/1 to 3 and the land to an extent of 7 acres and 25 cents in S.No.722/2 and presented the



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same for registration before the 2nd respondent. While the registration, the 2nd respondent has issued the impugned refusal check slip dated 14.03.2024 stating that the said Appa Nayakar, the 3rd respondent had executed sale deeds dated 04.10.2021 in favour of Shivaji and one Raja Dhurai qua the petition mentioned land. As stated supra, the mother of the 3rd respondent had already sold the share of the 3rd respondent while he was a minor as early in 1974 vide a registered sale deed and as such the 3rd respondent has not alienable right over the same. Thus, having regard to the earlier encumbrances, the 2nd respondent ought to have registered the sale deed presented by the petitioner. If the 3rd respondent aggrieved by the sale deed executed by his mother when he was a minor, he ought to have challenged the same within a period of three years from attaining the majority. Without challenging the same, the 3rd respondent has no right to sell the said property. Therefore, according to the petitioner, he has title over the said property and the third respondent has no right over the property.

3. Heard both sides and perused the materials available on record.

4. It is seen from the records that because there is a double entry in respect of subject property, the registration cannot be refused. Hence, the impugned refusal check slip issued by the 2nd respondent in his proceedings in RFL / Tharakampatti / 14 /2024 dated 14.03.2024 is hereby quashed and this Writ



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Petition is allowed. The second respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. It is for the concerned parties to establish their title before the competent civil Court by adducing property document. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

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

Ksa



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To

1. The District Registrar,
O/o. the District Registrar,
Karur District.
2. The Sub Registrar,
Tharagampatti,
Kadavoor Taluk,
Karur District.



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.9105 of 2024**

DATED : 08.08.2025