



W.P(MD)No.11739 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.11739 of 2025

S.Babu

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Tirunelveli,
Tirunelveli District.

2. The Sub Registrar,
Registration Department,
Parkit Managaram,
Palayamkottai Taluk,
Tirunelveli District.

3. Samikan Devadoss

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent herein to register the petitioner sale deed in respect of the petitioner property, the house plot for an extent of 6.19 cents comprised in Survey No. 92/2A1A1A, Kurinchi Nagar, Plot No.7, A-Block, Palayanchettikulam Village, Palayamkottai Taluk, Tirunelveli District, by considering the petitioner's representation dated 01.03.2025 within the time stipulated by this Court.



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For Petitioner : Mr.K.Sudalaiyandi
For R-1 & 2 : Mr.G.Suriya Ananth
Additional Government Pleader
For R-3 : M/s.H.Jasima Yasmin
for M/S.Ajmal Associates

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the second respondent herein to register the petitioner's sale deed by considering the petitioner's representation dated 01.03.2025.

2. The contention of the petitioner is that respondents 1 and 2 refused to register the sale deed based on the objections submitted by the third respondent. The property originally belongs to three brothers namely I.D.Samikan Appathurai, I.D.Danieal and I.D.Sundarraaj, who had executed two Powers of Attorney on 24.12.1996 and 26.12.1996. Based on the said Powers of Attorney, the power agent divide the land into plots and he has started selling house sites and several sale deeds were executed in this regard. The petitioner's vendor was one of the purchaser under the said Powers of Attorney and purchased the house site through



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registered sale deed on 13.12.2010. Subsequently, the petitioner's vendor sold the property on 19.08.2019, and that sale deed was duly registered. Now, the petitioner is trying to sell the property to the third party. However, the respondents 1 and 2 are refusing to register the sale deed based on the objections submitted by the third respondent.

3. The third respondent's objection is that the Powers of Attorney executed by the said three brothers had lapsed since the three principal had already died. The said sale deeds were executed after the death of the said principal. However, such a plea ought to be proved before the competent Civil Court.

4. Admittedly, the petitioner has filed a suit and the same is pending. Therefore, the objector has to workout their remedy before the competent civil Court and the objector ought to obtained an injunction restraining further encumbrance of the property. The third respondent cannot seek an injunction in the present writ petition. Therefore, the respondents 1 and 2 are directed to register the sale deed presented by the petitioner. The said exercise shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition is allowed. There shall



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be no order as to costs.

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13.06.2025

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

jbr

To:

1. The District Registrar,
Registration Department,
Tirunelveli,
Tirunelveli District.

2. The Sub Registrar,
Registration Department,
Parkit Managaram,
Palayamkottai Taluk,
Tirunelveli District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.11739 of 2025

DATED : 13.06.2025