



W.P(MD).No.12814 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

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V.Rengasamy

.. Petitioner

Vs.

1.The Sub Registrar,
Manapparai Taluk,
Trichy District.

2.The Secretary,
Aalipatti Primary Co-operative Society,
Aalipatti Post,
Thoppampatti Village,
Manapparai Taluk,
Trichy District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order check slip passed by the respondent No.1 in his proceedings in Refusal No.RFL/Manapparai/155/2024 dated 30.04.2024 and quash the same as illegal and consequently direct the respondent No.1 to register the sale deed dated 26.03.2024 presented by the petitioner for the registration and release the same to the petitioner.



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For Petitioner : M/s.J.Jeyakumaran
Advocate
For R1 : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 : -No Appearance-

ORDER

Notice is served on respondent No.2 but no one appeared for the respondent No.2, either in person or through counsel.

2. This writ petition has been filed challenging the proceedings of the respondent No.1 in Refusal No.RFL/Manapparai/155/2024 dated 30.04.2024, thereby refused to register the sale deed, which was presented for registration on the ground that the subject property is owned by the respondent No.2.

3. The property comprising in S.No.341/1A, to an extent of 6 acres 48.375 cents and S.No.341/1-I, to an extent of 77.805 cents, totally 7 acres 26.18 cents, situated at Nallampillai Village, Manapparai Taluk, Thiruchirapalli District owned by the petitioner's father. It originally belonged to the petitioner's ancestral mother namely Meenatchi Aammal. She was also issued with a patta. While being so, the respondent No.2, informed that the subject property was mortgaged by the petitioner's ancestors and borrowed money.



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4. Thereafter, they failed to repay the amount and as such, the subject property was auctioned and purchased by the respondent No.2, in the year 1938 *vide* document Nos.1022/1938 and 1574/1942. The subject property is in possession and enjoyment of the respondent No.2.

5. Therefore, the petitioner's mother filed a suit in O.S.No.337 of 2007 on the file of the District Munsiff for permitting the injunction, in the name of the respondent No.2, the said suit was dismissed by the judgment and decree dated 27.08.2015. It was also confirmed by the Appellate Court in AS.No.57 of 2020 by the judgment and decree dated 18.04.2022.

6. Even, thereafter the petitioner's mother had executed a settlement deed in favour of the petitioner, herein on 28.09.2022, which was registered *vide* document No.6869 of 2022, in turn the petitioner executed the sale deed in favour of the 3rd party without any title and went for registration before the respondent No.1. Therefore, the petitioner's mother has no title over the property, even though she has settled the settlement deed in favour of the petitioner.

7. Hence, the respondent No.1 has rightly rejected the sale deed, which was presented for registration before him and this Court finds no



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infirmity or illegality in the refusal check slip issued by the respondent No.1, therefore, this writ petition is devoid of merits and is liable to be dismissed and is accordingly dismissed. No costs. Connected writ miscellaneous petition is closed. However, the petitioner is at liberty to approach the respondent No.2, to purchase the said property, since it is an ancestral property of the petitioner's family. No costs. Connected writ miscellaneous petition is closed.

24.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To

The District Registrar,
Audit,
Pudukkottai Registration District,
Pudukkottai.



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G.K. ILANTHIRAIYAN, J.

nst

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