

W.P(MD)No.13567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13567 of 2024

T.R.S.Chitra

... Petitioner

Vs

1.The Sub Registrar,
Office of the Sub Registrar,
Kariapatti,
Virudhunagar District.

2.P.Thangavel

3.T.Veena

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the refusal check slip bearing No. RFL/Kariapatti/4/2024 dated 29.05.2024 passed by the first respondent herein and quash the same and consequently direct the first respondent to register the sale deed dated 27.05.2024 presented by the petitioner for registration based on the documents relating to the ownership of the vendor viz., Pandian Motors Private Limited of the petitioner herein with respect to the sale of an extent of 3.37 acres (8.32.39 hectares) situated in S.No.105/18 (1.29 acres), 105/2 (2.08 acres) bearing Patta No.454 in Mangulam Achupillyarenthal Village, Kariapatti Sub-Registration, Virudhunagar District.



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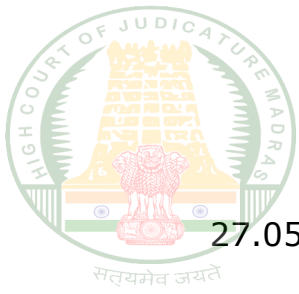
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For Petitioner : Mr.S.Kadarkarai
For R – 1 : Mr.M.Sarangan
Additional Government Pleader
For RR 2 & 3 : Mr.S.Ramesh

ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the first respondent dated 29.05.2024 thereby refusing to register the sale deed which was presented for registration in respect of the property comprised in Survey No.105/1B to an extent of 1 acre 29 cents and the property comprised in Survey No.105/2 to an extent of 2 acres 8 cents situated at Mangulam Achupillyarenthal Village, Kariapatti, Virudhunagar District on the ground that in respect of the very same property there is power of attorney executed in favour of the third respondent.

2.The petitioner as vendor M/s.Pandian Motors Private Limited owned the property comprised in Survey No.105/2 to an extent of 2 acres 8 cents situated at Mangulam Achupillyarenthal Village, Kariapatti, Virudhunagar District. In turn, the petitioner's vendor intended to sell the same in favour of the petitioner and the petitioner had purchased the same for valid sale consideration on



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27.05.2024 and the same was presented for registration before the first respondent. However, it was refused to register the same on the ground that the subject property was already dealt with by the second respondent by execution of power of attorney in favour of the third respondent who is none other than the wife of the second respondent.

3.The learned counsel appearing for the petitioner would submit that fraudulently the second respondent claimed title over the subject property and had executed power of attorney in favour of the third respondent. The petitioner's vendor already filed a suit in O.S.No.317 of 2009 on the file of the Additional District Munsif Court, Aurppukottai as against the second respondent for declaration in respect of the subject property and the same was decreed in favour of the petitioner's vendor by judgment and decree dated 16.12.2022. That apart, on receipt of several complaints, the first respondent/the Sub-Registrar issued notice to the petitioner for enquiry dated 01.06.2022. It was challenged before this Court by the second respondent in W.P(MD)No.12565 of 2022. This Court by order dated 19.09.2024 though quashed the notice issued by the Sub-Registrar, this Court held that unless and until the rights of the property in respect of the subject property is established before the



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civil Court or atleast permission is granted by the civil Court, the second respondent cannot deal with the subject property on the basis of power of attorney executed in favour of the third respondent. Therefore, the first respondent ought not to have refused to register any sale deed in respect of the subject property on the strength of the power of attorney executed by the second respondent in favour of the third respondent.

4.In view of the above, the refusal check slip issued by the first respondent dated 29.05.2024 cannot be sustained and it is liable to be quashed. Accordingly, the same is quashed. The petitioner is directed to represent the sale deed for registration before the first respondent and on receipt of the same, the first respondent is directed to register the sale deed and release the same forthwith, if it is otherwise in order. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

28.01.2025

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

The Sub Registrar,
Office of the Sub Registrar,
Kariapatti,
Virudhunagar District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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28.01.2025