



**W.P(MD)No.16391 of 2025**

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

**DATED : 04.08.2025**

WEB COPY

**CORAM:**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.16391 of 2025**

B.Hathija Kani

... Petitioner

Vs

1. The Sub Registrar,  
Sub Registrar Office ,  
Ayyampettai ,  
Thanjavur District.

2. P.Sulaiman Batcha

3. Mohamed Mansoor Hallaj

... Respondents

(R3 is impleaded vide court order dated 27.06.2025  
in *W.M.P.(MD)No.13215 of 2025* in *W.P.(MD)No.16391 of 2025*)

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the files of the first respondent pertaining to its proceedings bearing No.RFL/Ayyampettai/46/2025 dated 03.06.2025 and to quash the same and consequently direct him to register the sale deed dated 2.06.2025 executed in favour of the second respondent in respect of the property mentioned in the said deed within a time fame fixed by this Court.



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For Petitioner

: Mr.A.Senthilkumar

For R-1

: Mr.D.Sasikumar

Additional Government Pleader

For R-2

: Mr.L.Jeen Felix

For R-3

: Mr.A.Abdul Kabur

### **ORDER**

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip dated 03.06.2025 and consequently direct the first respondent to register the sale deed dated 02.06.2025.

2. The contention of the petitioner is that a larger extent of 4 acre 24 cents was purchased by the petitioner's vendor's vendor. The said extent was subsequently laid out and the petitioner purchased a smaller portion measuring 2400 square feet alone. The impleaded third respondent objected to the registration stating that a suit was filed in respect of the subjects property and was decreed in his favor. The petitioner's vendor has filed an appeal suit in A.S.No.56 of 2024 on the file of the Additional District Court, Kumbakonam.

3. The contention of the third respondent is that in the year 1976, the petitioner's vendor was granted possession rights by way of a sale deed executed as 'kudikal vettukal pathiyam'. On such conditional sale, the petitioner's vendor



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was entitled to harvest crops and he cannot deal with the property.

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4. This Court is of the considered opinion that the rights of the parties ought to be determined by the Appellate Court. The question limitation ought to be determined by the Appellate Court. Therefore, based on the same, the refusal to register cannot be sustained. Accordingly, the impugned refusal check slip is hereby quashed. The first respondent is directed to register the sale deed within a period of four (4) weeks from the date of receipt of a copy of this order. However, such registration is subject to the outcome of the pending appeal in A.S.No.56 of 2024 on the file of the Additional District Court, Kumbakonam. The parties are at liberty to raise the issue of registration of document before appellate Court.

5. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs.

**04.08.2025**

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

jbr



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S.SRIMATHY, J.

jbr

To:

The Sub Registrar,  
Sub Registrar Office ,  
Ayyampettai ,  
Thanjavur District.

ORDER MADE IN  
W.P(MD)No.16391 of 2025

DATED : 04.08.2025