



W.P(MD)No.18722 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.18722 of 2025

C.Sivakumar

... Petitioner

Vs.

The Sub Registrar,
O/o.Sub Registrar Melur West,
Madurai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating with the order of the respondent made in P13/2024 dated 01.07.2024 and quash the same as it is arbitrary and illegal and in consequence directing him to complete its registration process, by assigning a registration number to the petitioner's sale deed dated 06.06.2024 and release the same within the time to be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader

For Intervenor : Mr.J.Barathan



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ORDER

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The present writ petition has been filed for issuance of a writ of certiorarified mandamus to quash the order passed by the third respondent .made in P13/2024 dated 01.07.2024 and in consequence to direct the respondent to complete the registration process by assigning registration number to the petitioner's sale deed dated 06.06.2024 and release the same within a time frame.

2. Mr..J.Barathan, learned counsel appearing for the intervenor contended that the petitioner's vendors have filed a suit in O.S.No.195 of 2012 on the file of the District Munsif, Melur for injunction and the same was dismissed. Therefore, now the petitioner cannot seek to register the sale deed.

3. It is seen the petitioner's vendors have preferred an appeal along with condone delay petition and the same is pending. The petitioner's vendors have filed a suit for bare injunction restraining the other defendants from interfering in the peaceful possession. In the judgment, the trial Court has held that the plaintiffs have failed to prove that they are having entire 82 cents by relying on the common patta issued in the name of another person namely, Suryamurthy (the 5th defendant in the suit). Based on the joint patta, the injunction is declined. Even if the joint patta is taken into consideration, atleast the petitioner



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would be having $\frac{1}{2}$ share in the joint patta. Therefore, it cannot be stated the petitioner is not having any interest in the property at all. Further through the impugned order, the respondent has elaborately discussed the rights of the parties and has stated that the petitioner's vendors are not having title based on the suit decree.

4. This Court is of the view that title cannot be determined by the Sub Registrar. Moreover, as rightly pointed out by the learned counsel for the petitioner even if the joint patta is taken into consideration, the petitioner is having atleast $\frac{1}{2}$ share. The allegation by the intervenor is that the petitioner is claiming S.No.73/1B. But the intervenor's claim is with regard to S.Nos.73/1A and 73/2A. Of course there may be some overlapping which has to be adjudicated before the Civil Court. In such circumstances, the respondent cannot pass the impugned order. Further, this Court is of the considered opinion that the respondent cannot sit as a civil Court to determine the title dispute. Hence, the impugned order dated 01.07.2024 is quashed. The respondent is directed to register the sale deed within a period of four weeks from the date of receipt of a copy of this order. Pending appeal suit, the parties rights may be adjudicated and all the plea are available to all the parties and they can adjudicate before the appellate court.



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4. With these directions, this writ petition is allowed. If the parties

wants to amend the prayer, liberty is granted to do so. No Costs.

04.08.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

PJL

To:

1.The Sub Registrar,
O/o.Sub Registrar Melur West,
Madurai District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

PJL

**ORDER MADE IN
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DATED : 04.08.2025