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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)Nos.24051 and 24042 of 2024

W.P(MD)No.24051 of 2024

Dheivanayagi

... Petitioner

Vs

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
Nanguneri,
Tirunelveli District.

3.V.Thilagar

4.P.S.Chandrasekara Raja

5.P.C.Vijayalakshmi

... Respondents

(Respondents 3 to 5 are impleaded as per order of this Court made in W.M.P(MD)Nos.21644 and 21769 of 2024 in W.P(MD)No.24051 of 2024, dated 20.01.2025)

W.P(MD)No.24042 of 2024

Chellammal

... Petitioner

Vs

1.The Sub Registrar,



Nanguneri,
Tirunelveli District.

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2.John

3.P.S.Chandrasekara Raja

... Respondents

(Respondents 2 and 3 are impleaded as per order of this Court made in W.M.P(MD)Nos.21759 and 21771 of 2024 in W.P(MD)No. 24042 of 2024, dated 20.01.2025)

PRAYER in W.P(MD)No.24051 of 2024: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in P/Nanguneri/35/2024, dated 18.09.2024 and to quash the same as illegal and consequently to direct the second respondent to release the document by giving regular Document Number pertaining to T.P/194797899/2024.

PRAYER in W.P(MD)No.24042 of 2024: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in Refusal Check Slip in RFL/Nanguneri/44/2024, dated 27.09.2024 and to quash the same as illegal and consequently to direct the first respondent to register the document in Doc.No.TP/196149018.

W.P(MD)No.24051 of 2024

For Petitioner : Mr.M.Murugaraj

For RR 1 and 2 : Mr.D.Sadiq Raja
Addl.Govt.Pleader

For RR – 3 : Mr.G.Prabhu Rajadurai



For RR4 and 5 : Mr.A.Ayiram K.Selvakumar

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W.P(MD)No.24042 of 2024

For Petitioner : Mr.M.Murugaraj

For RR 1 : Mr.D.Sadiq Raja
Addl.Govt.Pleader

For RR – 2 : Mr.A.Sankarasubramanian

For RR3 : Mr.A.Ayiram K.Selvakumar

ORDER

W.P(MD)No.24051 is filed challenging the impugned order passed by the second respondent in P/Nanguneri/35/2024, dated 18.09.2024 thereby refused to register the sale deed on the ground that there is objection raised by the counter parties, the Petitioner's document which was presented for registration kept pending as pending document in P.35 of 2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner claimed title over the properties as those are ancestral properties and originally those properties are owned by



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one Ramasamy Reddiyar and he had three sons namely Ramasamy Reddiyar, Venkatachalam Reddiar and Appavu Reddiyar. The said Ramasamy Reddiyar is in possession and enjoyment of the said properties till his life time. Venkatachalam Reddiyar's property and Subbarayar Reddiyar, son of Ramasamy Reddiyar had enjoyed their properties jointly. Appavu Reddiyar has executed a settlement deed in favour of his wife Kanthammal. In the settlement deed the properties of Ramasamy Reddiyar and Venkatachalam Reddiyar were included by the Appavu Reddiyar. Ramasamy Reddiyar had one son by name Subbaraya Reddiyar. The said Subbaraya Reddiyar had two sons namely, Chellappa Reddiyar and Sankaranarayana Reddiyar. The above said Chellappa Reddiyar had two sons and two daughters. Among themselves they have partitioned the properties all the properties in O.S.No.92 of 2023 in which the Petitioner was allotted A schedule property and Petitioner in W.P(MD)No.24042 of 2024 was allotted with E schedule property. Thereafter they had executed the said sale deed in favour of third party and presented the same for registration. In fact, the decree passed in O.S.No.92 of 2023 got registered after direction issued by this Court in W.P.No.26290 of 2023 by order, dated 26.3.2024. That apart, the refusal check slip issued in W.P(MD)No. 24042 of 2024 does not reveal that the property was already sold



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out in favour of John. Subsequently there are several sale deeds. The Other purchasers of the subject lands filed impleading petitions.

4. On perusal of their affidavits and on the submissions made, reveal that they had purchased part of the subject properties by way of registered sale deed in the year 2001 itself. That apart, the Petitioner filed a collusive suit and within a period of three months, they compromised their issues and partitioned the properties belong to the entire family. There are 58 items of properties. Without any title over the properties they had subjected those properties in the suit and partitioned themselves. In the year 2004 itself some of the properties purchased by them and subsequently there so many transactions in respect of the subject properties. Therefore the objections have rightly made counter parties before the Registering Authority and as such, the registering authority has rightly kept the document which was presented for registration as pending document in W.P(MND)No.24051 of 2024. In W.P(MD)No.24042 the registering authorities refused to register the sale deed on the ground that in the year 2004, one John had purchased property from one Nambi. Therefore the Registering authority has rightly refused to register the document and this Court finds no infirmity in the order passed by the respondent and as such W.P(MND)No.



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24042 of 2024 stands dismissed. The Petitioner is at liberty to approach the competent Civil Court, for appropriate relief, in the manner known to law, if so advised. No costs.

5.In W.P(MD)No.24051 of 2024, the second respondent had rightly kept the document as pending document and this Court finds no infirmity or illegality in the communication sent by the second respondent and as such, W.P(MD)No.24051 of 2024 also stands dismissed. The second respondent shall pass order on the objections raised by the counter parties after conducting an enquiry within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

20.01.2025

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

To

1.The District Registrar,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
Nanguneri,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

vsn

Order made in

W.P(MD)Nos.24051 and
24042 of 2024

20.01.2025