



W.A.(MD)No.3192 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.12.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.3192 of 2025

Ganesasn

... Petitioner

Vs.

- 1.Axelin Thiraviyam
- 2.The District Registrar,
Trichy District, Trichy
- 3.The Sub-Registrar,
Manapparai, Trichy District
- 4.The Tahsildar,
Manapparai Taluk,
Trichy District
- 5.The Village Administrative Officer,
No.21, Sevalur Village, Manapparai Taluk,
Trichy District
- 6.The Firka Surveyor,
Manapparai Taluk,
Trichy District
- 7.Danial Albert
- 8.S.Padmapriya

... Respondents



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PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order dated 24.07.2025 passed in W.P.(MD)No.18678 of 2025 and allow the writ appeal.

For Petitioner : Mr.T.M.Madasamy
For R1 : Mr.K.Kevin Karan
For R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

When there is a property dispute between the writ petitioner, namely, Axelin Thiraviyam/ R1 and his brother Daniel Albert in respect of the property devolved upon them by a Will alleged to have been executed by their grandfather, namely Durairaj, dated 31.10.2005, the writ petitioner had created four sale deeds to different persons with regard to Plot Nos.34, 36, 37 and 38 and presented the sale deeds before the Sub Registrar, Manapparai. The Sub Registrar, Manapparai has rightly refused to register the document and issued refusal slip Nos.RFL/Manapparai/276, 275, 278 & 277/2024 dated 30.07.2024.

2.Challenging the said refusal orders, the writ petitioner filed four writ petitions seeking certiorarified mandamus calling for the records from the Sub Registrar, Manapparai (second respondent in the



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writ petition), to quash the said refusal check slips as arbitrary, illegal and unconstitutional and consequently to direct the second respondent to register the sale deeds presented by the writ petitioner.

3.The learned Single Judge by way of a common order dated 24.07.2025, having held that double entry for the same property is permissible under law; the Sub Registrar or the District Registrar cannot act as civil Court and cannot adjudicate the disputes relating to the title; and therefore, if any party is aggrieved, they are at liberty to approach the competent civil Court, quashed the refusal slips and directed the second respondent to register the sale deeds.

4.The brother of the writ petitioner was arrayed as sixth respondent and one Padmapriya was arrayed as seventh respondent. Pursuant to the order passed by the learned Single Judge, it appears that the Sub Registrar, Manapparai has registered the sale deeds in respect of four sale deeds in respect of the four plots.

5.At this juncture, the appellant herein has come before this Court by way of this third party writ appeal after obtaining necessary



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leave from this Court, against the common order passed by the learned Single Judge in W.P.(MD)No.18678 of 2025.

6. According to him, insofar as Plot No.36 is concerned, which is the subject matter of W.P.(MD)No.18678 of 2025, the seventh respondent herein sold the property to him on 26.04.2021. The said sale deed was duly registered. His vendor, the seventh respondent got the property through a Will executed by John Durairaj. Without impleading the appellant as a necessary party, in whose name Plot No.36 stands, the above writ petition was filed and the order has been obtained behind his back. Hence, the order passed by the learned Single Judge needs to be set aside and the registration of the document by obtaining order from the Court by fraudulent means to be declared as null and void.

7. The learned counsel for the third party appellant submitted that the order of the learned Single Judge has to be set aside for suppression of facts and improper application of the provisions of law. The learned Single Judge though had found that there is a civil dispute between the parties and the property had already been registered in the name of third parties and the vendor, who is the seventh respondent



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herein, is no more the title holder, had observed that the issue of double entry is permissible and the District Registrar cannot act as a civil Court and adjudicate the dispute relating to title.

8.The learned counsel for the writ petitioner, who is the first respondent in this writ appeal, would submit that under the Will of Durairaj, the writ petitioner and his brother Daniel Albert, who is the vendor of the present appellant, got equal share and the writ petitioner was allotted Plot Nos.33 to 39 and 49 and the seventh respondent was allotted to other plots. Based on the mutation of the revenue records, the writ petitioner had been the absolute owner of the subject property and is entitled to sell the property. Since the Sub Registrar refused to register the document, he approached this Court seeking certiorarified mandamus.

9.Whereas the learned counsel for the third party appellant states that under the Will, the property left by Durairaj consists of 29 plots, which is to be divided among the writ petitioner and the sixth respondent, 14.5 each. Thereby, the sixth respondent was allotted to Plot No.36 and he sold the same to the appellant herein. The said sale deed

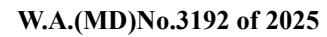


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was registered on 26.04.2021. The clear case of title dispute had been projected as if there is a dereliction of duty on the part of the Sub Registrar and order was obtained behind the persons, who are really interested and had the title over the subject property.

10.This Court is shocked by the way in which the learned Single Judge has considered the writ petition and passed an order behind the back of the third parties, in whose name the property stands. Without proper application of mind and law, the learned Single Judge has directed the Sub Registrar to register the sale deed executed by the writ petitioner, who is apparently not the owner of the property. It is also to be noted that the concept of double entry was propounded by the learned Single Judge for directing the Sub Registrar to entertain the sale deed between the parties, who are no way connected with the property as per records.

11.The learned Single Judge, ignoring the fact brought to the notice of the writ Court by the vendor of the appellant namely, the seventh respondent that he has filed a protest petition before the Sub Registrar stating that the title has already been transferred to the third party, had passed this order summarily and without applying proper law.



14. Though there are writ appeals filed in respect of other properties, which are the subject properties of the common order dated 24.07.2025, since we find apparent illegality in the order passed by the learned Single Judge, which is *non est* in law, the said illegality cannot be allowed to continue any further.



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15.The High Court under Article 226 of the Constitution of India, should show judicial restraint from interfering the title dispute while considering the writ petition and exercising the power under Article 226 of the Constitution of India. Unfortunately in this case, the learned Single Judge has failed to show such restraint. The Court cannot approve the fraudulent act of the parties and the act of the Court should not prejudice any persons.

16.Further, the writ petitioner in para 5 of the affidavit filed in support of the writ petition, had specifically stated that the sixth respondent in the writ petition with the fraudulent motive to usurp the property, had executed the sale deed dated 25.03.2025 in favour of the seventh respondent and the second respondent has registered this fraudulent document in pursuance of the order of this Court. If it is so, the learned Single Judge ought to have directed the writ petitioner to take recourse through civil Court to declare the said sale deed as null and void instead of directing the Sub Registrar to register subsequent sale deed for the very same property and have double entry for the same property, the concept is unknown to law.



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17.In view of the above deliberations, the common order passed by the learned Single Judge dated 24.07.2025 stands set aside and this writ appeal is allowed. The parties are directed to workout their remedy before the civil Court and establish their title based on admitted records. No costs.

[G.J., J.] & [K.K.R.K., J.]
03.12.2025

Index :Yes/No

Internet :Yes

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