



W.A.(MD) No.3206 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2025

CORAM:

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

W.A.(MD) No.3206 of 2025

Pappa

... Appellant

-VS-

- 1.Axelin Thiraviyam
- 2.The District Registrar
Tiruchirappalli District
Tiruchirappalli
- 3.The Sub-Registrar
Manapparai
Tiruchirappalli District
- 4.The Tahsildar
Manapparai Taluk
Tiruchirappalli District
- 5.The Village Administrative Officer
No.21, Sevalur Village
Manapparai Taluk
Tiruchirappalli District
- 6.The Firka Surveyor
Manapparai Taluk
Tiruchirappalli District



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7.Danial Albert

8.S.Padmapriya

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 24.07.2025 in W.P.(MD) No.18677 of 2025, on the file of this Court.

For Appellant : Mr.T.M.Madasamy

For Respondents : Mr.K.Kevinkaran for R1
Mr.Om Prakash
Government Advocate for R2 to R6

J U D G M E N T

[Judgment of the Court was made by DR.G.JAYACHANDRAN, J.]

When there is a property dispute between the first respondent / writ petitioner, namely, Axelin Thiraviyam and his brother Daniel Albert / seventh respondent herein 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, for registration. The Sub Registrar, Manapparai has rightly refused to register the document and issued



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WEB COPY refusal slip Nos.RFL/Manapparai/276, 275, 278 & 277/2024 dated 30.07.2024.

2. Challenging the said refusal slips, the writ petitioner filed four writ petitions seeking certiorarified mandamus calling for the records from the Sub Registrar, Manapparai (second respondent in the 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, held that double entry for the same property is permissible under law; the Sub Registrar or the District Registrar cannot act as a 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 Sub Registrar 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 in the



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writ petition. 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 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 leave from this Court, against the common order dated 24.07.2025 passed by the learned Single Judge in W.P.(MD) No.18677 of 2025.

6. According to the appellant, insofar as Plot No.34 is concerned, which is the subject matter of W.P.(MD) No.18677 of 2025, the seventh respondent herein sold the property to her on 07.04.2021. The said sale deed was duly registered. Her 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.34 stands, the above writ petition was filed and the order has been obtained behind her 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.



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7. 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 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. Learned counsel for the writ petitioner, who is the first respondent herein, 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 38 and 49 and the seventh respondent was allotted 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.



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9. Whereas learned counsel for the third party appellant states that under the Will, the property left by Durairaj consists of 29 plots, which are to be divided among the writ petitioner and the sixth respondent in the writ petition, 14.5 each. Thereby, the sixth respondent in the writ petition was allotted Plot No.34 and he sold the same to the appellant herein. The said sale deed was registered on 07.04.2021. 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 an 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.



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11. The learned Single Judge, ignoring the fact that was brought to the notice of the Writ Court by the vendor of the appellant namely, the seventh respondent herein, 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 the order summarily and without applying proper law. This Court finds that the order of the learned Single Judge is apparently illegal and passed without application of mind and the same has to be declared as *non est* in law.

12. When there is a pure civil dispute prevailing between the parties, the document presented by the person, who apparently has no title over the property, has now been directed to be registered and has also registered. Such illegal act has to be set aside forthwith.

13. Since it has now been brought to the notice of this Court that the order of the learned Single Judge has been obtained by not impleading necessary parties and by suppression of fact, we set aside the common order passed by the learned Single Judge in the writ petition.



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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.

15. The High Court under Article 226 of the Constitution of India, should show judicial restraint from interfering with 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 25.03.2021 in favour of the seventh respondent and the Sub Registrar 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



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WEB COPY 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.

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 the admitted records. No costs.

[G.J., J.]

[K.K.R.K., J.]

05.12.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Registrar,
Tiruchirappalli District,
Tiruchirappalli.

2.The Sub-Registrar,
Manapparai,
Tiruchirappalli District.



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- 3.The Tahsildar,
Manapparai Taluk,
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