



W.P.(MD) No.29144 of 2025

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.29144 of 2025

M.Duraipandi

... Petitioner

Vs.

1.The Sub-Registrar,
Theni,
Theni District.

2.Sivapriya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal Check Slip in RFL/THENI/21/2025 dated 18.09.2025 passed by the respondent and to quash the same as illegal, arbitrary and consequently direct the respondent to register the sale deed dated 03.09.2025 which was presented by the petitioner.



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For Petitioner : Mr.S.Ramanathan
For Respondent No.1 : Mr.A.Kannan,
Special Government Pleader
For Respondent No.2 : Mr.P.Ganapathy Subramanian

ORDER

A challenge has been made in this Writ Petition to the impugned Refusal Check Slip in RFL/THENI/21/2025 dated 18.09.2025 passed by the first respondent and to quash the same and for a consequential direction to the first respondent to register the sale deed dated 03.09.2025 which was presented by the petitioner.

2.Learned Counsel for the petitioner would submit that the petitioner is the purchaser of the subject property. The vendor of the petitioner initially filed a specific performance suit in O.S.No.14 of 2015, on the file of the learned Principal District Court, Theni and a decree came to be passed on 30.11.2015 in favour of the petitioner's vendor. Thereafter, E.P.No.87 of 2016 was filed and the said E.P. was ordered on 23.11.2016. Thereafter, since the judgment debtor failed to execute the sale deed, the same came to be executed through Court on 26.04.2019 and the same was



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registered as Document No.3302/2019. The vendor's name is Malaichami. Under these circumstances, the petitioner intended to purchase the property from his vendor and the sale deed was presented by the petitioner as well as the petitioner's vendor on 03.09.2025, which came to be rejected questioning the genuinity of the power deed which is said to have been executed in the year 2010.

3. Learned Counsel for the petitioner would submit that all those aspects were considered and only thereafter, the specific performance suit was ordered. Therefore, it is not right on the part of the first respondent to raise the issue at the time of registration of the sale deed. Hence, the present Writ Petition has been filed.

4. Learned Counsel for the private respondent would submit that they also claim right over the property and they have filed E.A. in the disposed E.P. Thereafter, he has also filed a suit for declaration for the very same subject property. It is further submitted that the second respondent is possession of the property for 15 years.



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5. Learned Additional Government Pleader appearing for the first respondent would submit that since the second respondent is also making claim over the property, they are not in a position to register the sale deed.

6. Heard the learned Counsel on either side and perused the materials available on record.

7. Admittedly, in the present case, the petitioner's vendor has obtained a decree for specific performance in O.S.No.14 of 2015 before the Theni Sub-Court, on 30.11.2015. Thereafter, E.P. was filed and the said E.P. came to be ordered on 23.11.2016. Thereafter, the sale deed was executed through Court on 26.04.2019 vide document No.3302 of 2019. The said decree is not under challenge. The second respondent also claim right over the property and she has filed a suit for declaration in the very same subject property. However, now, in the present case, a decree came to be passed after considering the disputed power of attorney as well as all other aspects. As long as the decree is passed and E.P. being executed in favour of the petitioner's vendor and the petitioner's vendor having come forward to sell the property to the



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petitioner, it is the duty of the first respondent to register the sale deed now presented. Mere filing of a suit by the second respondent will not be a bar for the Sub-Registrar to register the sale deed. In the event if the second respondent is aggrieved, she has to get the decree of specific performance obtained by the petitioner's vendor, set aside. Unless or otherwise the said decree is set aside, the second respondent will not have any right over the property.

8.In view of the above, the impugned order of the first respondent dated 03.09.2025 is set aside. This Court directs the first respondent to register the sale deed presented by the petitioner and the petitioner's vendor, upon re-presentation of the same. However, it is made clear that the present order is passed based on the judgment and decree passed in O.S.No.14 of 2015 dated 30.11.2015, by the learned Principal District Judge, Theni. In the event the second respondent is able to establish her right before the Civil Court, the present order will not prevent the civil court from granting any further orders either in favour of the second respondent or otherwise.



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9.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



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To
1.The Sub-Registrar,
Theni,
Theni District.



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KRISHNAN RAMASAMY, J.

MR

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