

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5696 of 2015

D.Jesupalam
S/o.Devedasan

.. Petitioner

vs.

The Sub Registrar,
Neelangarai Sub-Registrar's Office,
Chennai - 41.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records of the respondent in his proceedings in Check Slip No.1/2015 dated 06.01.2015 on the file of Sub Registrar, Neelangarai and quash the same and direct the respondent to register the sale deed without insisting for production of new patta with regard to the property comprised in New S.No.207/20 at Karapakkam Village, Chozhinganallur Taluk, Kancheepuram District, purchased by the petitioner.

For Petitioner : Mr.M.Antony Jesurajan
For Respondent : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

Heard Mr.M.Antony Jesurajan, learned counsel for petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader for respondent.

2. This Writ Petition is filed challenging the check slip issued by the respondent dated 06.01.2015, under which the respondent has directed the petitioner to produce the patta.

3. The subject property situated at Old Survey No.123/3B part, New Survey No.207/20, Karapakkam Village, Chozhinganallur Taluk, Kancheepuram District, originally belonged to one Loganathan. The Special Tasildhar, Natham Land Tax Scheme, Tambaram, issued patta No.255 for the said property in the name of the said Loganathan, who settled a portion of the property in favour of his brother J.Sethukrishnan vide Settlement Deed registered as Document

No.7936/2011 on the file of the respondent. The petitioner purchased the said property vide sale deed dated 06.01.2015 and approached the respondent with all requisite documents seeking registration as per Registration Act. However, the respondent refused to register the sale deed and the returned the same vide proceedings in Check Slip No.1/2015 dated 06.01.2015 and insisted to produce new patta. The impugned order of the respondent challenged on the ground that the Registration Act does not contemplate the production of patta for the purpose of registration of sale deed.

4. It is well settled law that the Registration Authority has no power to withhold any document and even in cases, where in respect of the valuation of the property or dispute raised, Section 47-A of the Registration Act only contemplates a duty on the part of the Registration Authority to register the document and thereafter, sent it to the Collector for the purpose of ascertaining the real market value in order to ascertain the amount to be paid by the party.

5. The Registration Rules framed as per Sections 71 and 76 of the Registration Act, in rule No.162 contemplates circumstances enabling the Registrar to refuse to register certain documents. A perusal of the said provision shows that the non-production of a patta for the purpose of Registration is not a ground for refusal of registration of the document.

6. A similar issue was raised in the case in The Trust for Education and Rehabilitation of Disabled Orphans and Destitutes represented by its Managing Trustee vs. The Inspector General of Registration, Chennai and others [2002 (1) MLJ 244], wherein this Court has held that a person, who present the document for registration does not have a duty to submit chitta, adangal or FMB sketch to the Registration Authority for the purpose of registration. The learned single Judge, while allowing the writ petition, has also relied upon a judgment of the Division Bench in District Collector, Erode District v. N.Ponnusamy [2001 (2) CTC 449] for the purpose of holding that the Registration Authority has no right to reject the document or refuse to register the document on the ground which are not permissible in law.

7. In view of the legal position, it is clear that the impugned order of the respondent in directing the petitioner to produce patta for the purpose of registering the sale deed is not sustainable in law.

In view of the same, this Writ Petition is allowed and the impugned order of the respondent is set aside. The respondent is directed to receive the sale deed and register the same in accordance with law. No costs.

Sd/-
Assistant Registrar
Dated:23.3.15

True Copy

To Sub Assistant Registrar

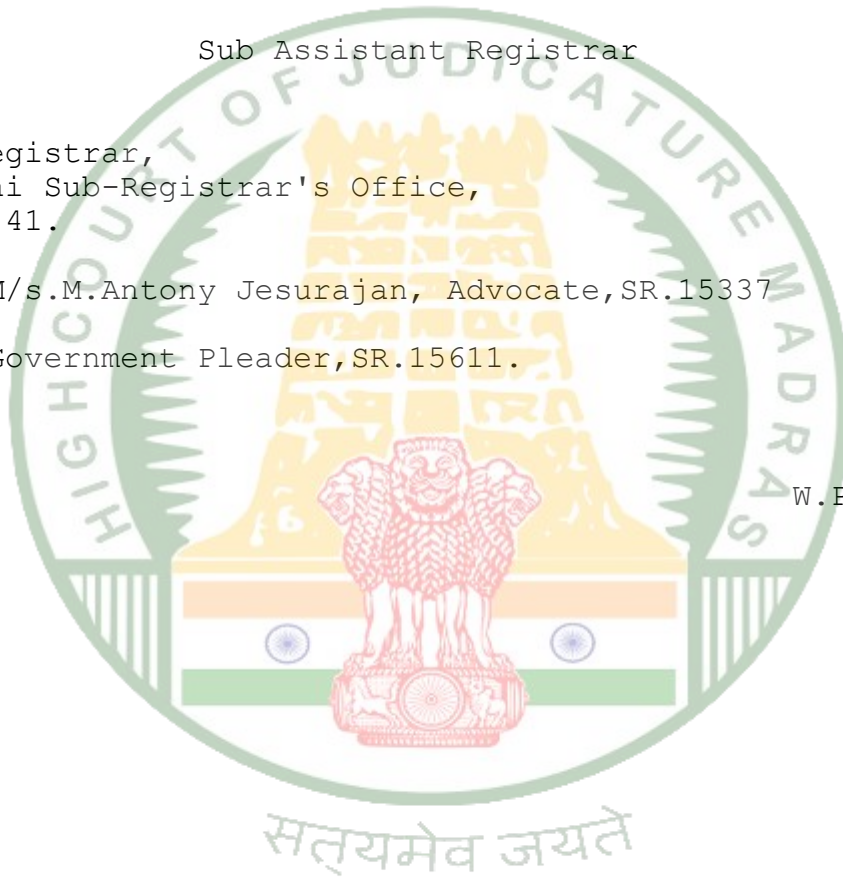
The Sub Registrar,
Neelangarai Sub-Registrar's Office,
Chennai - 41.

+1 cc to M/s.M.Antony Jesurajan, Advocate,SR.15337

+1 cc to Government Pleader,SR.15611.

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