

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAISWAMY

W.P.No.8003 of 2017 &

W.M.P.No.8749 of 2017

M/s.Rangammal Memorial
Rehabilitation Society
Rep by its President
G.Pugazhenth
Athiyandal Village
Tiruvannamalai Taluk and District
PIN : 606 603 ...Petitioner

v.

- 1 The District Registrar
Registration Department
Tiruvannamalai
- 2 The Joint Sub Registrar No.II
Registration Department
Tiruvannamalai ... Respondents

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 relating to the impugned check slip dated 22.3.2017 on the file of the 2nd respondent herein, quash the same and consequently direct the 2nd respondent herein to register the sale deed dated 22.3.2017 presented by the petitioner Society for registration and release the documents.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr. A.N. Thambidurai,
Spl Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned check slip dated 22.03.2017 on the file of the 2nd respondent, to quash the same and consequently direct the 2nd respondent to register the sale deed dated 22.03.2017 presented by the petitioner Society for registration and release the documents.

2. By the impugned order dated 22.03.2017, the 2nd respondent returned the sale deed dated 22.03.2017 stating that the vendor has to get the permission of the Civil Court prior to the registration of the sale deed.

3. The 2nd respondent also filed a counter stating the reasons for refusing to register the document.

4. When the vendor is a Society, no permission is required from a Civil Court for selling the property. However, the purchaser is a Trust. For selling a property to a Trust, vendor Society need not get any permission from the Civil Court. When that being the position, the 2nd respondent had returned the document stating that the petitioner has to get approval from the Civil Court for selling the property to the purchaser.

5. On a reading of the counter also, the 2nd respondent has not stated anything about this aspect. Apart from giving reasons for the rejection of the document, the 2nd respondent has stated some other reason, which are not relevant to the impugned order.

6. In these circumstances, the impugned check slip dated 22.03.2017 is quashed and the petitioner is directed to present the document for registration before the 2nd respondent within one week, from the date of receipt of a copy of this order and on presentation of the sale deed dated 22.03.2017, the 2nd respondent is directed to register the same and return the document to the petitioner, within two weeks thereafter.

With these observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

WEB COPY

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The District Registrar
Registration Department
Tiruvannamalai

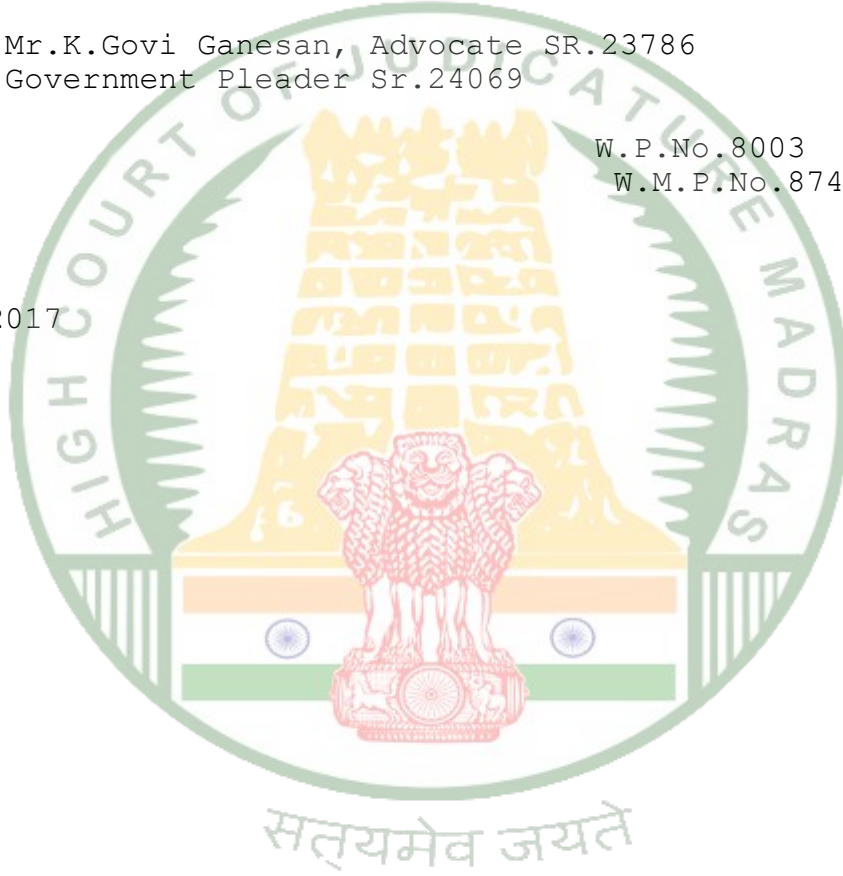
2 The Joint Sub Registrar No.II
Registration Department
Tiruvannamalai

+ 1 cc to Mr.K.Govi Ganesan, Advocate SR.23786

+ 1 cc to Government Pleader Sr.24069

W.P.No.8003 of 2017 &
W.M.P.No.8749 of 2017

GJII(CO)
EU 24.04.2017



WEB COPY