



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.14073 of 2019

Kadan

... Petitioner

Vs.

1.The Sub Registrar,
Office of Sub Registrar,
Ponnamaravathi
Pudukottai District.

2.Valli

3.J.Kanaga

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the "Check Slip" dated 04.06.2019 issued by the 1st respondent in refusing to register the sale deed dated 04.06.2019 came into existence between the petitioner and 3rd respondent and quash the said "Check Slip" and to direct the 1st respondent to register the aforesaid sale deed dated 04.06.2019.

For Petitioner :Mr.V.Sitharanjandas

For Respondents :Mr.M.Murugan for R1
Government Advocate

ORDER

Challenging the check slip issued by the first respondent dated 04.06.2019 thereby refusing to register the sale deed dated 04.06.2019 between the petitioner and 3rd respondent and for a consequential direction to the first respondent to register the sale deed, this writ petition has been filed.

2. I have heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

3. The petitioner sold the land in question, which belongs to the petitioner, to the third respondent and when the sale deed was presented for registration to the first respondent, the same was rejected/returned with the check slip stating that, the second respondent and some other persons objecting the same, by claiming that they have a share in the property. Based on the said objection, the first respondent refused to register the document and by check slip dated 04.06.2019, he refused/rejected the registration



of the document of the petitioner. Challenging the same, the petitioner is before this Court.

4. I have heard the learned counsel for the petitioner, who would submit that, for the alleged said objection from the second respondent, without establishing the right before the Court of law, the first respondent, being the registering authority has no power to refuse registration of the property, which has been purely registered in favour of the third respondent. Therefore, the impugned order passed by the first respondent is unsustainable. Hence, he requests interference of this Court.

5. I have heard the learned Government Advocate, who, on instructions, would submit that, for the reasons stated in the impugned check slip that the second respondent and some third parties claiming right over the property in question to be executed or executed by the petitioner in favour of the third respondent, the first respondent ought not to have rejected the registration and therefore, the learned Government Advocate very fairly submits that, the impugned communication cannot stand in the legal scrutiny. Therefore, he wanted the matter to be remanded back for reconsideration for registration of the document to the first respondent.

6. In view of the said fair stand taken by the learned Government Advocate appearing for the first respondent, this Court is inclined to pass the following order:

"That the impugned order is quashed and the matter is remitted back to the first respondent for reconsideration and for necessary action. The first respondent is hereby directed to register the document in question executed by the petitioner to and in favour of the third respondent, if it is otherwise in order, with regard to stamp duty, registration charges etc. and if satisfactorily all other required documents are produced by the petitioner to the registering authority, ie., the first respondent. The needful, as indicated above, shall be undertaken by the first respondent within a period of two weeks from the date of receipt of a re-presentation of the returned sale deed with necessary documents.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)



To
The Sub Registrar,
Office of Sub Registrar,
Ponnamaravathi
Pudukottai District.

+1cc to Mr.V.SITHARANJANDAS, Advocate, SR.No. 71419
+1cc to M/s.Special Government Pleader, SR.No. 71479

W.P. (MD) No.14073 of 2019
25.06.2019

RR
KK/SAR/10.07.2019/3P-4C

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