

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.07.2019****CORAM:****THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 14946 of 2019**

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K. Jeyaram

... Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar,
(Registration Department),
Dindigul, Dindigul District.

2. The Sub Registrar,
Chinnapalapatti,
Dindigul District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the 2nd respondent dated 28.06.2019 and quash the same and consequently, direct the 2nd respondent to register the sale deed dated 28.06.2019 presented in respect of the property in New Survey No. 134/41 (Door No. 3-1/71, 3-1/72, 3-1-58, 3-1/98 and 3-1-98/1), Keelakottai Village, Aathur Taluk, Dindigul District.

For Petitioner : Mr. R. Anand
For Respondents : Mr. V. Anand, G.A.

ORDER

The prayer in the Writ petition is for a Writ of Certiorarified Mandamus to quash the order passed by the 2nd respondent dated 28.06.2019 and consequently, direct the 2nd respondent to register the sale deed dated 28.06.2019 presented in respect of the property in new Survey No. 134/41 (Door No. 3-1/71, 3-1/72, 3-1-58, 3-1/98 and 3-1-98/1) at Keelakottai Village, Aathur Taluk, Dindigul District.

2. The petitioner, in order to register a sale deed dated 28.06.2019 pertaining to his property in new Survey No. 134/41 (Door No. 3-1/71, 3-1/72, 3-1-58, 3-1/98 and 3-1-98/1) at Keelakottai Village, Aathur Taluk, Dindigul District, had produced the documents to the 2nd respondent. However, the same has been refused to register by the 2nd respondent through the impugned communication dated 28.06.2019, whereby the 2nd respondent has stated that a protest has been raised with regard to the above mentioned property.

3. I have heard the learned Government Advocate appearing for the respondents, who would submit that, if at all any protest raised



by any third party the same cannot be the reason for withholding the registration or refusal of registration of a document and therefore, the said reasoning cannot stand in legal scrutiny. Therefore, a suitable order, by remitting the matter back to the 2nd respondent for re-consideration, can be ordered.

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4. In view of the said stand taken by the learned Government Advocate appearing for the respondents, this Court is inclined to pass the following order-

That the impugned order is hereby quashed and the matter is remitted back to the 2nd respondent for re-consideration and while reconsidering the same, if at all any doubt arises for the 2nd respondent with regard to the objection from any third party, both objector as well as the petitioner can be heard and thereafter, the 2nd respondent shall take a decision strictly in accordance with the provisions of the Registration Act as well as the directions and circulars issued by the Registration Department from time to time. In this regard, a mere objection raised by any third party, without any valid reason, cannot be the impediment for the 2nd respondent in registering any document.

5. With these observations and directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Registrar,
Office of the District Registrar,
(Registration Department),
Dindigul, Dindigul District.

2. The Sub Registrar,
Chinnapalapatti,
Dindigul District.

+1 CC to M/s. SPL GP (SR-75037[F] dated 12/07/2019)

+1 CC to M/s. R. ANAND, Advocate (SR-75340[F] dated 15/07/2019)

W.P. (MD) No. 14946 of 2019

11.07.2019

NBJ