



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18470 of 2019

and

W.M.P(MD).No.14884 of 2019

S.Raju

... Petitioner

-Vs-

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub-Registrar,
Registrar Office,
Chinnalapatti,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order of the second respondent vide proceedings in check slip refusal No.RFL/Chinnalapatti/16/2019 dated 12.07.2019 and quash the same as illegal and against the section and procedure under the Registration Act and direct the second respondent to register the sale deed dated 12.07.2019 executed by the petitioner.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The prayer sought for in this writ petition is that, to quash the impugned order of the second respondent vide proceedings in check slip refusal No.RFL/Chinnalapatti/16/2019, dated 12.07.2019 and direct the second respondent to register the sale deed, dated 12.07.2019 executed by the petitioner.

2.Heard Mr.S.Sarvagan Prabhu, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate, who accepts notice on behalf of the respondents.



3. With consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner, in order to register the property in Seevalsaragu Village, Dindigul District, submitted a copy of the sale deed to the second respondent, however, the same was rejected by issuing the impugned check slip dated 12.07.2019 for the reason that, the parent document in Doc No.1458/2007 since was not presented and the same claimed to have been submitted in the Court, such rejection order was passed through the impugned cheque slip. Challenging the same, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submits that, since the parent document has already been submitted to the Court, the same cannot be insisted upon by the second respondent and therefore, on that ground, the refusal order passed by the second respondent cannot be sustained.

6. However, Mr. Murugan, learned Government Advocate appearing for the respondents would submit that, if at all, the petitioner has submitted the original parent document to the Court of law, the certified copy to that effect can be obtained by the petitioner and the same can be produced before the second respondent for verification and if such certified copy is produced, the same would be taken into account by the second respondent. Accordingly, he would act upon.

7. Having regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following directions:-

"that the petitioner shall get certified copy of the parent document in Doc.No.1458/2007, as mentioned in the impugned check slip and produce the same to the second respondent and once such certified copy is produced by the petitioner, the second respondent shall accept it and after verifying the same, accordingly, shall proceed to register the document in question, if it is otherwise in order.

In view of the above direction, the impugned order cannot be given effect to and accordingly, the same shall be kept in abeyance, till such production of the certified copy of the parent document, as indicated above and once certified copy is produced, the impugned order would automatically become inoperative."



7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1. The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2. The Sub-Registrar,
Registrar Office,
Chinnalapatti,
Dindigul District.

+1 CC to Mr.S. SARVAGAN PRABHU, Advocate (SR-83772[F] dated 28/08/2019)

+1 CC to SPL GP (SR-84003[F] dated 28/08/2019)

W.P.(MD)No.18470 of 2019
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