

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WP No.12591 of 2020

M.Selvaraj

...Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai 600 004.

2. The Joint 1 Sub Registrar,
Namakkal,
Office of the Joint 1 Sub Registrar,
Namakkal, Namakkal District

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent ending with his refusal check slip dated 17.02.2020 and quash the same and direct the second respondent to register the sale agreement dated 17.02.2020 executed by the petitioner in favour of Mr.A.Muthusamy on presenting by the petitioner with the second respondent.

For Petitioner : Mr.Duraikkan S.Phillip
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

On the consent given by either side, the main writ petition itself has been taken up for final disposal.

2. This writ petition has been filed challenging the refusal slip issued by the 2nd respondent on 17.02.2020 whereby the sale agreement that was submitted for registration was rejected.

3. The case of the petitioner is that the subject property originally belonged to the petitioner and his brother by virtue of a registered Sale deed dated 12.12.1980. The further case of the petitioner is that a sale agreement was entered into in the year 1986 with one Ponnusamy and four others. This sale

agreement was registered as document No.66 of 1986 on the file of the District Registrar, namakkal. This Sale agreement was not acted upon and it lapsed by efflux of time. The petitioner intended to sell his share in the property and therefore, he entered into a agreement of sale on 17.02.2020 with one A.Munusamy. When this document was presented for registration before the 2nd respondent, it was refused to be registered by the 2nd respondent on the ground that there is a sale agreement which has been registered in the year 1986 and the same is reflected in the encumbrance certificate. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents.

4. In the considered view of this Court, the Sale agreement that was registered in the year 1986, will have absolutely no significance and it has lapsed due to efflux of time. Therefore, this document ought not to have been shown as a reason for refusing to register the document presented by the petitioner. Therefore, there is no hesitation to interfere with the refusal slip and the same is hereby quashed. There shall be a direction to the 2nd respondent to entertain the agreement of sale dated 17.02.2020 presented by the petitioner and the same shall be registered, if it is otherwise in order subject to the payment of the necessary stamp duty and registration fees and this document shall also be released to the petitioner after registering the same.

5. This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai 600 004.

2. The Joint 1 Sub Registrar,
Namakkal,
Office of the Joint 1 Sub Registrar,
Namakkal, Namakkal District

+1cc to the Government Pleader in SR.NO..29904

WP No.12591 of 2020

PA (CO)
RV (16/10/2020)