

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.10.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.15049 of 2020

C. Aravindakumar

..Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
2. The District Registrar (Administration),
Coimbatore 641 018.
3. The Sub Registrar,
Thondamuthur,
Coimbatore 641 109.

..Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 3rd respondent by proceedings in Pa.Ma.No.07/2020 dated 07.02.2020 as confirmed by the order of the 2nd respondent by proceedings in Appeal No.AP 1/A 1/2020 dated 20.08.2020 and quash the same and consequently direct the 3rd respondent to forthwith register the sale deed dated 07.01.2019 presented by the petitioner without insisting for Patta Passbook in the name of the Vendor, namely M.Ganesan.

For Petitioner : Mr.P. Saravana Sowmiyan

For Respondents: Mr.T.M.Pappiah, Spl.Govt. Pleader

O R D E R

On consent given by either side, the main Writ Petition itself has been taken up for final hearing.

2. This Writ Petition has been filed challenging the impugned order passed by the 2nd respondent dated 20.08.2020 confirming the order passed by the 3rd respondent dated 7.2.2020, wherein, the document submitted by the petitioner was refused to be registered on the ground that the patta does not stand in the name of the vendor in the revenue records.

3. Heard Mr.P.Saravana Sowmiyan, learned counsel appearing for the petitioner and Mr.T.M. Pappiah, learned Special Govt. Pleader appearing for the respondents.

4. On a careful perusal of the materials placed before this Court, it is seen that the title document to the subject property is traced to a sale certificate issued in favour of one M.Ganesan by the II Additional Sub Court, Coimbatore. The said Ganesan has executed a sale deed in favour of the petitioner and four others on 7.1.2019. When this sale deed was presented for registration, the 3rd respondent refused to register the sale deed on the ground that the patta does not stand in the name of the said Ganesan in the revenue records. An order was passed to that effect by the 3rd respondent on 7.2.2020. Later, it was confirmed in an appeal by the 2nd respondent by order dated 20.08.2020. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. The main contention that was raised by the learned counsel for the petitioner is that the Patta Pass Book Act only contemplates the entries to be made in the Patta Passbook with respect to the property that is covered under the sale deed. The learned counsel further submitted that the revenue records stands in the name of the original owners of the property and subsequently this property was purchased in a Court auction by the vendor of the petitioner. Therefore, there is no legal impediment to register the sale deed based on the available documents which clearly establishes the title over the property.

6. This Court finds force in the submissions made by the learned counsel for the petitioner. The title deeds clearly point out to the fact that it is the vendor of the petitioner who is the owner of the property by virtue of the sale certificate dated 4.8.2011. The revenue records also stand in the name of the original owners of the property from whom the vendor of the petitioner derives his title. Therefore, in the considered view of this Court, there is absolutely no impediment for the 3rd respondent to proceed further to register the sale deed presented by the petitioner.

7. In view of the above discussion, this Court has no hesitation to interfere with the impugned order passed by the 2nd and 3rd respondents and the same is hereby quashed. There shall be a direction to the 3rd respondent to receive the sale deed dated 7.1.2019 for registration and the said document shall be registered, if it is otherwise in order and subject to the condition that the necessary stamp duty and registration fee is paid.

8.This Writ Petition is allowed with the above direction.
No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar (Administration),
Coimbatore 641 018.

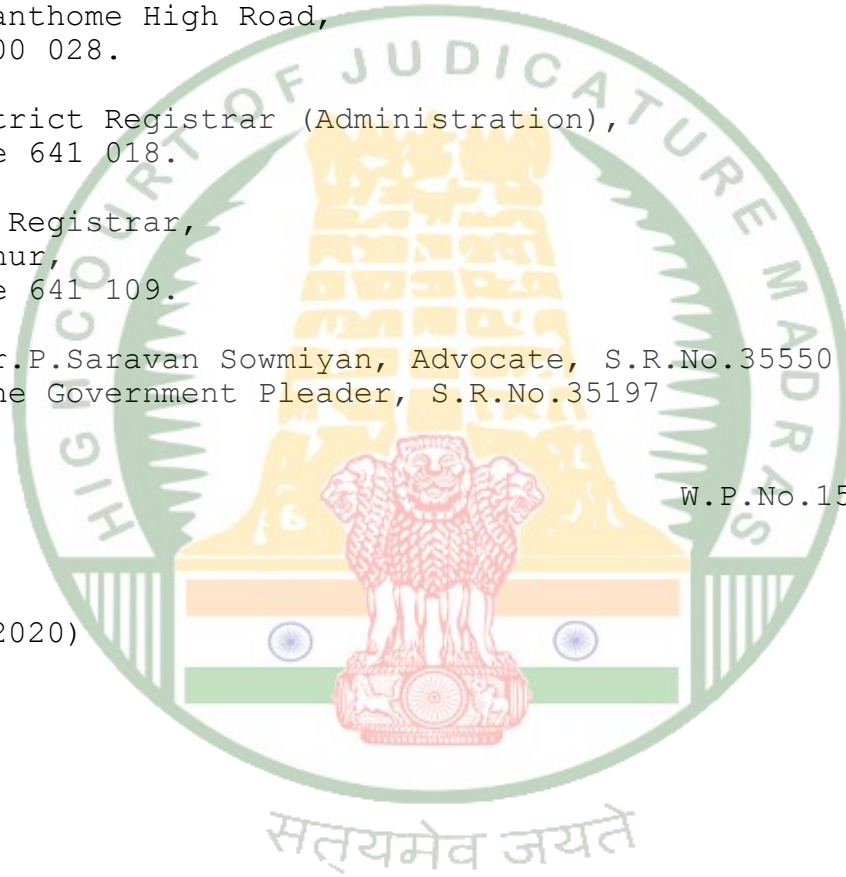
3.The Sub Registrar,
Thondamuthur,
Coimbatore 641 109.

+1cc to Mr.P.Saravan Sowmiyan, Advocate, S.R.No.35550

+1cc to the Government Pleader, S.R.No.35197

W.P.No.15049 of 2020

SV(CO)
RV(04/12/2020)



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