

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.10.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15088 of 2020

G.Srikumar

.... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Pattinampakkam,
Chennai 600 028.
 2. The Sub Registrar,
Nallur,
Thiruppur District.
 3. The Executive Officer,
Arulmigu Visweswara Swamy, Visalakshi Amman &
Subramaniswamy Temples,
Nallur, Tiruppur Taluk and District
- ...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to admit and register Agreement for Sale /Sale Deed to be executed by the petitioner herein in favour of the proposed purchaser/s or settlement in favour of the petitioner's family members, with respect to Plot No,11 Part and Plot No.12 both totally measuring an extent of 2520 Sq.ft in the layout comprised in S.Nos.671/1-12 Part, bearing Joint patta Nos.1963 & 1942 Amarjothi Garden, AS Nagar, Kangeyam Road, Tiruppur - 611 605.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
for R1 and R2
Mr.Karthikeyan
learned counsel for R3

ORDER

This Writ Petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to admit and register the documents presented by the petitioner with respect to the subject property. The learned counsel for the petitioner submitted that the 2nd respondent is refusing to accept documents on the ground that an objection has been raised by the 3rd respondent. The learned counsel submitted that the 2nd respondent cannot refuse to admit document merely on receipt of any objection and the 2nd respondent will have to follow the procedure as directed by the Hon'ble Division bench of this Court and take a decision in accordance with law. The learned counsel also brought to the notice of this Court the earlier order passed by this Court in WP No.29842 of 2019 dated 13.07.2020. The learned counsel concluded his arguments by submitting that similar directions can be issued in the present writ petition also.

2. Mr.T.M.Pappiah, learned Special Government Pleader appearing for respondents 1 and 2 submitted that the 2nd respondent will comply with the directions issued by this Court and take a decision in accordance with law.

3. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in WP No.29842 of 2019 dated 13.07.2020. The relevant portions in the order is extracted hereunder :-

6. The issue that has been raised in the present writ petition is no longer res-integra and this Court has been repeatedly directing the office of the Sub-Registrar to follow the directions issued by the Division Bench and inspite of the same, it is found that documents are being returned back with a Refusal Check Slip in every case. Every time, the aggrieved executant of the document are forced to approach of this Court, challenging the Refusal Check Slip and every time this Court is reiterating and directing the concerned Sub-Registrar are either unaware of the directions given by the Division Bench or they are mechanically refusing registration without taking into account the judgment of the Division Bench.

7. This is yet another case where Refusal Check Slip has been issued in a mechanical fashion without following the direction given by the Division Bench of this Court.

8. In view of the above, the Refusal Check Slip issued by the second respondent is hereby set aside and the petitioner is directed to re-submit the document to the second respondent. On such re-submission, the second respondent is directed to follow the direction given by the Division Bench scrupulously and thereafter take a decision with regard to the registration of the document.

4. In view of the above, this Writ petition is allowed in term of the above order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. The Inspector General of Registration,
Santhome High Road,
Pattinampakkam,
Chennai 600 028.
2. The Sub Registrar,
Nallur,
Thiruppur District.
3. The Executive Officer,
Arulmigu Visweswara Swamy, Visalakshi Amman &
Subramaniswamy Temples,
Nallur, Tiruppur Taluk and District

+1 cc to The Government Pleader, Sr.No. 34787

RR(CO)
RMP(23/11/2020)

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