

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18283 of 2020

D.Maniarasan

Petitioner

Vs.

1. The Sub Registrar,
Sub Registrar Office,
Parangipettai,
Chidambaram Taluk,
Cuddalore District.
2. The Executive Officer,
Arulmighu Muthukumaraswamy Thirukoil,
Parangipettai,
Cuddalore District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent and its proceedings in Refusal Check slip dated 13.12.2019 vide Refusal Number. RFL/Parangipettai/69/2019 and quash the same as void and illegal and consequently direct the 1st Respondent to register the Sale Deed presented by the 1st petitioner dated 05.12.2019 and pass appropriate orders as this Court may deem fit and proepr in these circumstances.

For Petitioner : Mr.B.Jawahar

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader for R1.
Mr.M.Karthikeyan,
Special Government Pleader for R2.

O R D E R

This writ petition has been filed challenging the impugned Refusal Check Slip issued by the 1st respondent dated 13.12.2019.

2. It is seen from the records that when the document was presented for registration before the first respondent, it was refused to be registered, on the ground that the petitioner

will have to get No Objection Certificate from the 2nd respondent temple.

3. Heard Mr.T.M.Pappiah, learned Special Government Pleader for the first respondent and Mr.M.Karthikeyan, learned Special Government Pleader for the second respondent. The issue involved in this writ petition is covered by the earlier order passed by this Court in W.P.No.29838 of 2019 dated 13.07.2020 and the relevant portions of the order is extracted here under;

"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 in spite 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, the impugned Refusal Check Slip issued by the 1st respondent is hereby quashed and the matter is remanded back to the file of the first respondent. The petitioner is directed to resubmit the document to the first respondent and on such resubmission, the first respondent is directed to follow the guidelines given by the Hon'ble Division Bench of this Court scrupulously and thereafter, take a decision with regard to the registration of the document.

5. This writ petition is allowed with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmm

To

1. The Sub Registrar,
Sub Registrar Office,
Parangipettai,
Chidambaram Taluk,
Cuddalore District.

2. The Executive Officer,
Arulmighu Muthukumaraswamy Thirukoil,
Parangipettai,
Cuddalore District.

+1 CC to Mr.T.S.Baskaran, Advocate Sr.No.40646

+1 CC to Government Pleader Sr.No.41185

+1 CC to Government Pleader Advocate Sr.No.40920

सत्यमेव जयते

W.P No.18283 of 2020

AJR(CO)
KP(20/01/2021)

WEB COPY