

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28332 of 2019

G.Kuppusamy

..Petitioner

.v.

1. Inspector General of Registration,
No.100, Santhome High Road,
Muthamazi Nagar,
Mandavelipakkam,
Chennai 600 028.
2. Deputy Inspector General of Registration,
Velapadi, Vellore.
3. District Registrar,
Registration Department,
Tiruvathipuram,
Cheyyar.
4. Sub Registrar,
Arni Town,
Arni Taluk,
Tiruvannamalai District 632 301.

... 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 connected with the impugned refusal check slip in Refusal No.RFL/Arani-Seiyyar135/2019 dated 20.08.2019 passed by the 4th respondent and quash the same, consequently direct the 4th respondent to register the document vide reference No.TP/70455196/2019 presented on 20.08.2019 by the petitioner.

For Petitioner : Mr.V.Pavel
For Respondents : Mr.M.Thamizharasan
Government Advocate

O R D E R

This writ petition has been filed challenging the refusal check slip issued by the 4th respondent on 20.08.2019 and for a consequential direction to the 4th respondent to register the document presented by the petitioner.

2.The case of the petitioner is that he became the owner of the property by virtue of the registered Will dated 07.12.1974. The petitioner has also made an application for a Patta and he is yet to be issued any Patta. In the meantime, the petitioner had executed a settlement deed in favour of his son on 20.08.2019. This settlement deed was returned by the 4th respondent by way of "refusal Check slip" dated 20.08.2019, on the ground that the petitioner has not furnished any Patta along with the document which is sought to be registered. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The learned counsel for the petitioner submitted that the petitioner has already applied for Patta and the same is pending before the Tahsildar. The learned counsel further submitted that some third parties attempted to interfere with the possession and enjoyment of the property and the petitioner also filed a suit to defend his title and possession over the property. The learned counsel submitted that the 4th respondent can be directed to register the document based on the registered Will.

4.The learned Government Advocate appearing on behalf of the respondents submitted that there are totally four survey numbers covered under the settlement deed and out of the same, S.Nos.1/1, 2/2 and 2/3 are poramboke lands. To substantiate the same, the learned Special Government Pleader also produced the relevant revenue records. Therefore, the learned Special Government Pleader submitted that the documents that were submitted by the petitioner cannot be registered without a Patta.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.In the present case, the petitioner is relying upon a registered Will as his title document. It is clear from the revenue records that out of the four properties at least three properties are poramboke properties and therefore, the 4th respondent cannot proceed further to register the document unless the petitioner clears his title over those properties. The petitioner has already applied for a Patta for all these properties and the production of Patta before the 4th respondent will at least give a semblance of right for the petitioner. In the absence of any title deed to the property, the 4th respondent was perfectly right in insisting for a Patta from the petitioner. That apart, the 4th respondent has a right to refuse to register the document if the property in question is a poramboke land. This power is vested on the 4th respondent u/s 22(A) of the Registration Act, 1908.

7.In view of the above, this Court does not find any ground to interfere with the refusal check slip issued by the 4th respondent and accordingly, this writ petition is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KP
To

1. Inspector General of Registration,
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+1 CC to Govt. Pleader sr 19278
+1 CC to Mr.V.Pavel, Advocate sr 19124.

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SP(19/05/2020)