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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.12040 of 2021

L.Meenakshi

... Petitioner

-Versus-

1. The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai 600028.
2. The Registering Authority / Officer,
Chennai South Joint-I,
Integrated Building for Office of the
Commercial Tax and Registration Department,
Fanepet, Nandanam, Chennai-600035.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned refusal check slip vide Refusal No.RFL/Chennai South Joint I/66/2021 dated 23.04.2021 on the file of the 2nd respondent and to quash the same and consequently, direct the 2nd respondent to register the sale deed presented without insisting on the production of parents document.

For Petitioner	:	Mr.M.Vasanthakumar
For Respondent(s)	:	Mr.K.M.D.Muhilan, Government Advocate for RR1 & 2

ORDER

[This matter has been heard through video conference]

This writ petition has been filed challenging the order of the 2nd respondent vide Refusal Check Slip in No.RFL/Chennai South Joint I/66/2021 dated 23.04.2021 thereby refusing to register the sale deed dated 23.04.2021 executed by the petitioner in favour of one S.Raja and Mrs.C.Sindhu.



2. The case of the petitioner is that she has become the absolute owner of a house site measuring an extent of 1210 square feet known as Plot No.A4A, Ram Nagar South, Pallikaranai Village, situated in Old S.No.8/2B and as per sub division S.No.8/2B3B of Pallikaranai Village, Sholinganallur Taluk, Chennai District, having purchased the same for valuation consideration through a registered sale deed from one Ms.Meena represented by her Power of Attorney Agent - Prabhu Paulraj on 12.03.2014. Subsequently, she has sold the same to one S.Raja and Mrs.C. Sindhu on 23.04.2021. When the sale deed was presented by her before the 2nd respondent for registration, the 2nd respondent has refused to register the same on the ground that there was a discrepancy with regard to the nature of the property between the parent deeds of the property in question and the deed which was sought to be registered. The parent deeds describe the land measuring to a total extent of 2 Acres and 80 Cents and thereafter one Srinivasan had purchased 27 cents of land in the year 2000, and now, a sale deed in respect of a house site measuring an extent of 1210 square feet is sought to be registered.

3. The learned counsel for the petitioner submitted that a land measuring an extent of 2 Acres and 80 Cents, with unapproved house sites, was originally purchased by one Santhanam from one K.B.Gopinathan in 1965. Thereafter, the said Santhanam sold an extent of 27.7 cents out of 2 Acres and 80 cents to one S.Srinivasan. After the purchase, the said Srinivasan divided the same into five house sites and got planning permission and sub division of plot from the Corporation of Chennai on 29.10.2013. Thereafter, on 28.01.2014, he had settled an extent of 2420 square feet of land in favour of his wife S.Meena, who in turn, sold an extent of 1210 square feet of land to the petitioner through her power agent by way of a registered sale deed dated 12.03.2014. Thereafter, the petitioner sold the same to the Raja and Sindhu on 20.04.2021. When the sale deed was presented by the petitioner, the 2nd respondent has refused to register the same for the reason that there were discrepancies with regard to extent between the parent deeds and the deed which is sought to be registered.

4. The learned counsel further submitted that, in fact, the original purchaser - Santhanam had purchased a vacant site measuring an extent of 2 Acres and 80 Cents and out of which, he had sold 27.70 cents to Srinivasan, who had subsequently, divided the same as house sites and got planning permit from the Corporation of Chennai in which plot No.A4 was settled by the said Srinivasan in the name of his wife Mrs.Meena. The said Mrs.Meena in turn sub divided her plot and got planning permit for the sub division of land and sold Plot No.A4A in favour of



the petitioner. Therefore, the objection raised by the 2nd respondent is not at all sustainable. The learned counsel for the petitioner has also produced a xerox copy of the layout approval obtained by Srinivasan from the Corporation of Chennai.

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5. The learned Government Advocate appearing for the respondents, on instructions, submitted that since there was a discrepancy in between the parent deed and the document which is sought to be registered, the 2nd respondent had raised objection and if at all the petitioner got any layout approval obtained by his vendor from the Corporation of Chennai, it is always open to him to produce the same to the 2nd respondent.

6. I have considered the rival submissions carefully.

7. The Sub Registrar refused to register the instrument on the ground that there was a discrepancy found in description of properties between the parent deeds and the sale deed which is sought to be registered now, the 2nd respondent has refused to register the sale deed executed by the petitioner in favour of Raja and Sindhu. According to the 2nd respondent, the discrepancy noticed by him was that when one Santhanam had originally purchased a landed property, which was formed as unapproved house sites, measuring an extent of 2 Acres and 80 cents from K.B.Gopinathan, the petitioner's vendor's vendor ought not to have purchased 27.70 cents of land in the layout.

8. However, considering the materials available on record, in the opinion of this court, that there is no material available on record to show that the original purchaser developed the property as house sites and got lay out approval from the authorities and sold them as house sites only a vacant site to an extent of 27 cents was sold to one Srinivasan. The copy of the planning permission filed by the petitioner in the typed set of papers would show that subsequently the husband of the vendor - Srinivasan only got sub division approval from the Corporation of Chennai. That apart, when the petitioner's vendor Mrs.Meena had presented the document for registration in favour of the petitioner, there was no objection raised and the document was registered, whereas when the petitioner conveyed the very same property to one Raja and Mrs.Sindhu and wanted to register the deed, the 2nd respondent raised objection which is not sustainable either in fact and in law.

9. In view of the above, the order of the 2nd respondent refusing to register the deed presented by the petitioner for registration citing certain discrepancy between the parent deeds and the deed which is sought to be registered cannot be sustained and the same is liable to be set aside.



In the result, this writ petition is allowed and impugned Refusal Check Slip dated 23.04.2021 issued by the 2nd respondent is set aside. The 2nd respondent is directed to register the deed presented by the petitioner for registration, if the document is otherwise in order, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Inspector General of Registration,
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2. The Registering Authority / Officer,
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+2CC to M/s.K.Jayasudha, Advocate, Sr.No.33331

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PL (CO)
K.RK. (24.08.2021)