



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.15092 of 2021
and W.M.P.No.15985 of 2021

Mayilsamy

...Petitioner

Vs.

The Sub-Registrar
Office of the Sub-Registrar,
Dharapuram,
Tiruppur District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of order of refusal check slip in Refusal Number:RFL/Dharapuram/17/2021 dated 30.04.2021 passed by the respondent herein and quash the same and consequently direct the respondent to register the document of Gift Settlement Deed dated 30.04.2021 presented by the petitioner.

For Petitioner .. Mr.N.Ponraj
For Respondent .. Mr.Yogesh Kannadasan
(Govt.Advocate)

ORDER

Heard Mr.N.Ponraj, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate for the respondent.

2. The petitioner had presented a Settlement Deed in favour of his brother with respect to a land in S.F.No.345 in R.S.No.1187 in Kundadam Village, Dharapuram Taluk, Tiruppur District. The respondent appears to have refused to register the same, claiming that an agreement of sale deed dated 11.02.2016 had been registered as Document No.1071/2016 which agreement had been entered into between the petitioner and one Pushpavalli.

3. The learned counsel for the petitioner, pointed out to an order of the Division Bench in which I was a party where the reference was very specific, namely, whether the Sub-Registrar can refuse registration of a document when presented on the



ground that an agreement of sale had been entered into and registered with respect to the very same property. The answer of the Division Bench was that such refusal is improper and unlawful. The said judgment had been delivered in W.P.No.674 of 2020, N.Ramayee V. The Sub-Registrar and another reported in (2020) 6 CTC 697.

4. In view of the said position of law, I would therefore direct the respondent herein to receive the Settlement Deed presented for registration by the petitioner and if it is otherwise in order register the same and should not hold the registration of an earlier agreement of sale as a bar for such registration.

5. With the above observations, the Writ Petition is allowed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

smv
To

The Sub-Registrar
Office of the Sub-Registrar,
Dharapuram,
Tiruppur District.

+1 CC to Mr.N.Ponraj, Advocate, Sr.No. 38752.
+1 CC to The Government Pleader, Sr.No. 39100.

W.P.No.15092 of 2021

PCH(CO)
LS(26/08/2021)