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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.8.2021.

CORAM

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

W.P.No.15696 of 2021

P.Singaram

Petitioner

vs.

1. The Deputy Registrar,
Registration Department,
Union Building Compound,
Kumaragiri Bypass Road,
Near Kailash Manasarovar
CBSE School,
Ammappettai,
Salem District 636 014.

2. The Sub Registrar,
Gengavalli Registration Office,
Gengavalli Taluk, Salem District.

Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the second respondent to register a sale deed for the petitioner's undivided share of 96 cents in S.No.377/2, Veerakonar Village, Gangavalli Taluk, Salem District in Patta No.1719 as per the direction of the first respondent's letter dated 22.1.2021.

For Petitioner : Mr.R.Balmurugan

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

The writ petition has been filed seeking a mandamus to the second respondent/Sub Registrar, Gengavalli Registration Office, Salem District to register the sale deed presented for registration with respect to the undivided share of the



petitioner which measures 96 cents in S.No.377/2 Veerakonar Village, Gangavalli Taluk, Salem District in Patta No.1719.

2. It appears that there was a direction by the first respondent/Deputy Registrar, Registration Department, Salem District by letter on 22.1.2021 in that connection.

3. It is the case of the petitioner that his father was possessing property in S.No.377/2 measuring an extent of 2 acres 90 cents at Veerakonar Village, Salem District. He claims that after the death of his father, his legal heirs orally partitioned the property and in such oral partition, the petitioner had acquired 96 cents. He further claims that when he presented a document to sell his share it was objected by his brothers and sons of his brothers. Therefore, the petitioner had given a representation dated 20.1.2021 to the first respondent and based on that, the first respondent issued a direction to the second respondent to register the sale deed, by his letter dated 22.1.2021.

4. Whenever a document is presented for registration, the Sub Registrar is bound to inform of the parties viz., persons who presents the document for registration and also the parties who protest such registration and enquire into the same and thereafter take a decision either to register the document or to refuse to register the same. If the Sub Registrar refuses to register the same, he may have to necessarily pass a reasoned order and thereafter, it would be open to the petitioner prefer an Appeal under Section 72 of the Registration Act, 1908.

5. In the facts and circumstances of the case, the Sub Registrar has not passed any written orders at all either accepting the registration of the sale deed presented for registration or refusing to register the same based on the protest given by the close relatives of the petitioner herein.

6. Therefore, a mandamus is issued to the second respondent Sub Registrar, Gengavalli Registration Office, Salem District to receive the document presented for registration on payment of necessary stamp duty and registration charges and if it is otherwise in order, register the same and if there is any objection for registration of the document, the second respondent shall examine the persons who presents the document and the persons who protest registration and thereafter take a decision. The petitioner must once again may apply for registration through online and on the date fixed presented for registration, present the sale deed for registration and the Sub Registrar may act as aforesaid and at any rate pass necessary orders within a period of 4 weeks from the date of presentation of the document for registration by the petitioner herein.



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7. With the above observation, the writ petition is disposed of. No order as to costs.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

ssk.

To

1. The Deputy Registrar,
Registration Department,
Union Building Compound,
Kumaragiri Bypass Road,
Near Kailash Manasarovar
CBSE School,
Ammapettai,
Salem District 636 014.
2. The Sub Registrar,
Gengavalli Registration Office,
Gengavalli Taluk, Salem District.

+1cc to Government Pleader, SR.No.40780

W.P.No.15696 of 2021

SSV(CO)
CT (08/09/2021)