

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.19985 of 2020

Shanmugavel

...Petitioner

-Vs-

1.The Inspector General of Registrar,
Government of Tamil Nadu,
No.120, Santhome High Road,
Chennai.

2.The District Registrar,
Office of the District Registrar,
Coimbatore.

3.The Sub Registrar,
Office of the Sub Registrar,
Ganapathy,
Coimbatore District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the third respondent in his proceedings Refusal Number in RFL/Ganapathi/2/2020 dated 27.08.2020 and quash the same and consequently direct the respondent, particularly third respondent to receive and register the sale deed dated 03.07.2020 in favour of the petitioner.

For Petitioner : Mr.R.Vijaya Kumar

For Respondents: Mr.B.Kannan

Government Advocate

ORDER

The petitioner herein complains that the Sub Registrar-3rd respondent herein, has refused to register the sale deed dated 03.07.2020 vide his refusal check slip dated 27.08.2020, wherein, the Sub Registrar has noted that he was unable to ascertain as to whether the executant of the document had indeed executed the document with full knowledge of what he was executing.

2. The learned counsel for the petitioner took this Court through a Medical Certificate, dated 30.06.2020 issued by Kumaran Medical Centre (enclosed in typed set of papers- page8), which has indicated that the executant of the document, namely, Mr. Shanmugavel was admitted due to stroke with Left MCA infarct and it has also indicated that the executant document though conscious and alert, has Aphasia (difficult to speak). Therefore, the learned counsel would point out that it is in this medical condition of the executant of the document attempted to convey to the Sub Registrar to register the document through facial expressions and hand gestures. But the Sub Registrar, without properly understanding the situation in which the executant of the document was placed, refused to register the document.

3. Mr. B. Kannan, learned Government Advocate takes notice for the respondents and submitted that the Sub Registrar has been fair in making the statement since Section 34 of the Registration Act contemplates that the Sub Registrar to holds an enquiry on the aspect of the execution of the document before registering it.

4. The learned counsel for the petitioner would submit that even though the executant of the document has aphasia (difficulty in speaking), still he is capable of writing. Therefore, this Court directs the 3rd respondent-Sub Registrar to conduct enquiry about the due execution of the sale deed in question by the executant in favour of Thiru Gopala Krishnan in any manner whatsoever including obtaining any statement in writing, and after satisfying himself about the identity of the executant, proceed with the registration of the document if it is otherwise in order, in accordance with law.

5. With the above direction, the Writ Petition is disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dn
To

1. The Inspector General of Registrar,
Government of Tamil Nadu,
No.120, Santhome High Road,
Chennai.

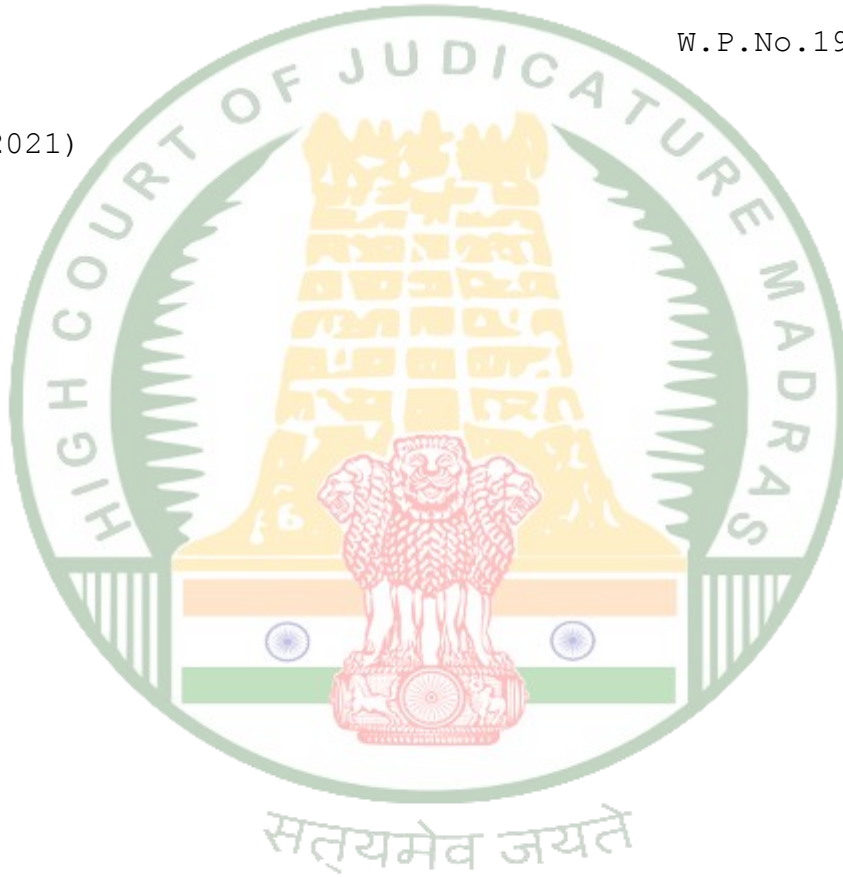
2.The District Registrar,
Office of the District Registrar,
Coimbatore.

3.The Sub Registrar,
Office of the Sub Registrar,
Ganapathy,
Coimbatore District.

+1 Cc to Mr.R.Vijaya Kumar, Advocate sr 11544
+1 CC to The Government Pleader sr 11271

W.P.No.19985 of 2020

SP(19/03/2021)



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