



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P (MD) No. 6673 of 2021

and

W.M.P. (MD) Nos. 5150 and 5151 of 2021

P.Veerapathiran

...Petitioner

Vs

The Sub Registrar,
Kariyapatti Sub Registrar Office,
Kariyapatti,
Virudhunagar 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 pertaining to the impugned Refusal Check Slip dated 05.03.2021 issued by the Respondent in RFL/Kariyapatti/1/2021 and quash the same as arbitrary and illegal and consequently direct the respondent herein to admit and register the deeds pertain to the petitioner's property in Old Survey No.26/3A1C, New Survey No.272/1 in Kattukuthagai Karisalkulam Village, Kariyapatti Taluk, Virudhunagar District and the Sale Deed dated 04.03.2021 executed by the petitioner in favour of one Muthuramalingam.

For Petitioner

: Mr.T.Lajapathi Roy

For respondent

: Mr.K.Sathya Singh,

Special Government Pleader

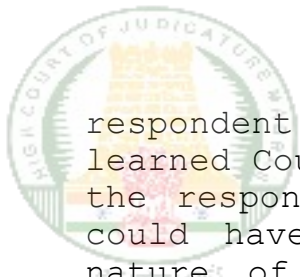
ORDER

The case of the petitioner herein is that when he approached the respondent for registering his sale deed dated 04.03.2021 executed in favour of one Muthuramalingam, it was refused to be registered by the respondent stating that there are civil cases pending before the learned Principal District Munsif, Aruppukottai in O.S.Nos.22 to 26 of 2020 and directed the petitioner to represent the sale deed after passing judgment on those cases.

2.Challenging the order passed by the respondent, the petitioner is before this Court.

3.Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioner would submit that whenever a document is submitted for registration, it is incumbent on the authority to conduct enquiry as contemplated under Section 34 of the Registration Act, 1908. But in

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respondent has refused to register the document. According to the learned Counsel for the petitioner, had an enquiry been conducted by the respondent in terms of Section 34 of the Act, the petitioner could have approached the authority with explanation as to the nature of the transaction and whether the cancellation of the earlier settlement deed was valid or not? However, the respondent has straightaway refused to register the document, which action of the respondent is contrary to rule position.

4.Mr.K.Sathiya Singh, learned Special Government Pleader appearing for the respondent would submit that as far as the legal position is concerned, he is in agreement with the submission made by the learned Counsel appearing for the petitioner and therefore, he would request this Court to direct the respondent to conduct an enquiry as envisaged in Section 34 of the Registration Act.

5.In consideration of the submission made on either side and also in consideration of Section 34 of the Registration Act, the impugned refusal check slip dated 05.03.2021 issued by the respondent is hereby set aside and the matter is remanded back to the respondent to conduct an enquiry as contemplated under Section 34 of the Registration Act and to pass appropriate orders by affording opportunity of hearing to the petitioner and any of the persons legitimately concerned with the transactions, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To
The Sub Registrar,
Kariyapatti Sub Registrar Office,
Kariyapatti,
Virudhunagar District.
+1 CC to M/s.SPL GP (SR-15032[F] dated 01/04/2021)
+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15103[F] dated
01/04/2021)

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31.03.2021

HB(24.04.2021) 2P 4C

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