



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15362 of 2021

WEB COPY

M.Selvakumar

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Vallam,
Thanjavur District.

2.S.Kavitha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the 1st respondent pertaining to its proceeding bearing No.RFL/Vallam-Thanjavur/43/2021 dated 18.08.2021 and to quash the same and consequently direct the respondent to register the sale deed dated 17.08.2017 in respect of the land in New Survey no.9/13A admeasuring 1200 sq. ft. Plot No.52 at Maicale Nagar extension situated in Thirukkanurpatti Village, Thanjavur Taluk, Thanjavur District within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.Jayachandran

For Respondents : Mr.P.Subbaraj,

Counsel for Govt. of Tamilnadu for R1.

ORDER

The petitioner challenges a refusal check slip dated 18.08.2021, whereby the first respondent refused to register the sale deed dated 17.08.2021.

2.The petitioner states that the second respondent executed a sale deed in his favour. Such sale deed was presented for registration before the first respondent. The first respondent refused to register the document on the sole ground that O.S.No.424 of 2012 in respect of the property in question is pending.

3.Mr.P.Subbaraj, learned Counsel for the State, accepts notice on behalf of the first respondent. He submits that he does not have instructions as to whether an appeal was filed against the



judgement and decree dated 19.02.2015 in O.S.No.424 of 2012.

4.The impugned refusal check slip cites only one reason for refusal to register the document, namely, that O.S.No.424 of 2012 is pending. The petitioner has brought to the notice of the Court the judgement and decree in O.S.No.424 of 2012. The said judgement and decree evidences that the suit was decreed in favour of the plaintiff/Shameem Banu. The petitioner further states that the said Shameem Banu was the vendor of the petitioner's vendor. It is also stated that no appeal was filed against the judgement and decree dated 19.02.2015.

5.Upon perusal of the sale deed dated 17.08.2021, which was submitted to the first respondent for registration, it is clear that the vendor under the said document is the second respondent herein. As such, the interest of the petitioner and the second respondent are aligned and there is no necessity to issue notice to the second respondent herein.

6.It is also brought to the notice of this Court that a legal opinion had been called for from the local Government Pleader with regard to the civil suit and by opinion dated 14.08.2021, the local Government Pleader had stated that O.S.No.424 of 2012 had been decreed.

7.In the aforesaid facts and circumstances, the impugned refusal check slip cannot be sustained. Consequently, the impugned order is quashed. However, the first respondent would have to examine whether all other requirements in relation to the registration of the document have been fulfilled by the petitioner herein.

8.Accordingly, W.P.(MD)No.15362 of 2021 is allowed. The petitioner is permitted to resubmit the document for registration within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent herein is directed to reconsider the request for registration in accordance with law by providing a reasonable opportunity to the petitioner and any objector and take a reasoned decision within a period of 30 days from the date of receipt of the re-submitted document. There will be no order as to costs.

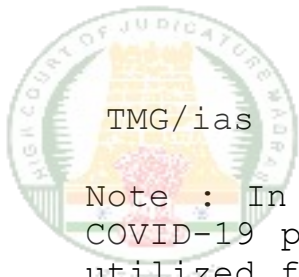
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



TMG/ias

W.P(MD)No.15362 of 2021

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Sub Registrar,
Registration Department,
Vallam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-27751[F] dated 01/09/2021)

W.P (MD) No.15362 of 2021
31.08.2021

ES (CO)
SB(08.09.2021) 3P 3C