



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17557 of 2021

Saraswathi

... Petitioner

Vs.

1.The Secretary to Government,
Department of Registration,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Inspector General of Registration,
Santhom High Road,
Raja Annamalaipuram,
Chennai.

3.The District Registrar,
Cheranmahavedi Range,
Cheranmahadevi,
Tirunelveli District.

4.The Sub Registrar,
Kalakad Range,
Kalakad,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to release the Sale Document dated 27.12.2018 forthwith.

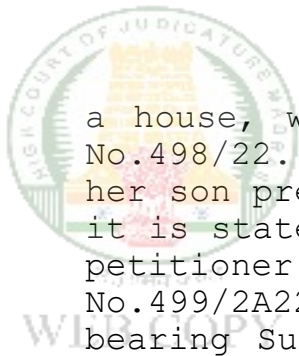
For Petitioner : Mr.S.Chellapandian

For R1 to R4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to the respondents to release the sale deed dated 27.12.2018.

2. The petitioner states that she purchased a parcel of land consisting of 1248.75 square feet in Survey No.495/2A33 at Sivalaneri Village, Kalakadu Taluk, Tirunelveli District along with



a house, which is situated on an adjacent property bearing Survey No.498/22. Upon execution of the two sale deeds, the petitioner and her son presented the two documents for registration. After a week, it is stated that the fourth respondent released the document to the petitioner's son as regards the property situated in Survey No.499/2A22, but withheld the document in respect of the property bearing Survey No.499/2A33. The present Writ Petition is filed in these facts and circumstances.

3. Learned counsel for the petitioner points out that all the parent documents were produced by the petitioner before the fourth respondent. By drawing reference to the communication dated 31.07.2019, which was obtained under the RTI Act as well as the communication dated 19.07.2019, he points out that the fourth respondent has unjustly refused to register the document on the basis that the parent documents do not include the property bearing Survey No.499/2A33. In order to controvert this conclusion, the petitioner draws reference to the partition deed dated 26.02.1984 and points out that there is a clear reference to the property bearing Survey No.499/2A33 in such document. He also points out that the extent of the property and the boundaries tally precisely with the sale deed dated 30.05.2000, which was duly registered.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He points out that the petitioner has not assailed the order dated 19.07.2019. Instead, only a Mandamus has been prayed for in the present case. Without prejudice, he submits that the fourth respondent may be directed to reconsider the matter on merits.

5. The petitioner has pointed out that the partition deed dated 26.02.1984 and the previous sale deed dated 30.05.2000 deal with the property bearing Survey No.499/2A33. Therefore, the conclusions drawn by the third and fourth respondents do not *prima facie* appear to be correct. In addition, while the registration authorities are entitled to *prima facie* examine as to whether the executant of a document is entitled to do so, they are not authorized to examine and pronounce on title. Therefore, the matter requires reconsideration by the third respondent.

6. For reasons set out above, subject to the observations contained herein, the matter is remitted for reconsideration by the third respondent. The third respondent is directed to reconsider the matter by taking into account the observations set out herein and issue a reasoned order within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the other parties to the relevant documents.



7. Accordingly, W.P.(MD).No.17557 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

1.The Secretary to Government,
Department of Registration,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Inspector General of Registration,
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3.The District Registrar,
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Tirunelveli District.

4.The Sub Registrar,
Kalakad Range,
Kalakad,
Tirunelveli District.

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-30943
[F] dated 01/10/2021)

+1 CC to M/s.SPL.GP (SR-30874[F] dated
01/10/2021)

W.P (MD) No.17557 of 2021
30.09.2021

SRR(CO)
KB(11.10.2021) 3P 7C

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