



WEB COPY

W.P.(MD)No.17531 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17531 of 2021

and

W.M.P(MD).No.14366 of 2021

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... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai.

2.The District Registrar,
Thiruchirappalli District.

3.The Sub Registrar,
Srirangam,
Thiruchirappalli District.

4.The Joint Commissioner,
Sri Renganatha Swamy Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Thiruchirappalli District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent pertaining to its impugned Refusal Check Slip dated 03.09.2021 and to quash the same and consequently direct the third respondent to register the sale deed dated 03.09.2021 executed in favour of the petitioner within a stipulated period that may be fixed by this Court.

For Petitioner	: Mr.Sudhagar Nagaraj
For Respondent	: Mr.K.S.Selva Ganesan, Counsel for the State for R1 to R3 Mr.M.Saravanan, for R4

O R D E R

The petitioner assails a refusal check slip dated 03.09.2021 by which the third respondent refused to register the document presented for registration by the petitioner.

2.The petitioner states that she purchased the property admeasuring 2280 square feet out of 4.97 acres in T.S.No.1784/B2 and T.S.No.1784/B3 at Seenivasa Nagar North Extension, New Ward No.B, Block No.32, Srirangam Municipal 2nd Ward, Vellithirumutham Village, Srirangam Taluk, Tiruchirappalli District.

<https://hcservices.ecourts.gov.in/hcservices/>



3. Upon presentation of the sale deed in respect of the relevant purchase, the third respondent refused to register the same and issued a refusal check slip dated 03.09.2021.

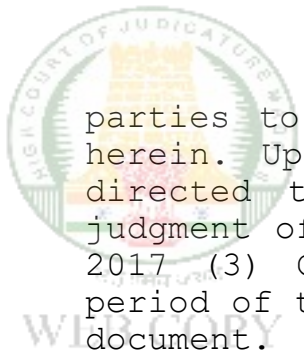
4. The petitioner states that the relevant property is a house site in respect of which layout approval was issued by the authority concerned. The proceedings dated 07.05.1987 of the Director of Town and Country Planning and the proceedings dated 02.06.1998 of the Municipal Corporation of Srirangam are cited in this regard. In addition, the petitioner relies upon the registration of the parent document on 25.08.1988. According to the petitioner, the fourth respondent admittedly does not have the title document relating to the property as evidenced by the communication dated 23.03.2020, which was received under the Right to Information Act, 2005.

5. As regards the impugned refusal check slip, the petitioner states that the order is completely unreasoned.

6. Mr. K. S. Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and Mr. M. Saravanan, learned Standing Counsel, accepts notice on behalf of the fourth respondent. Mr. Saravanan points out that the fourth respondent is in possession of the relevant title document bearing T.D.No.1027. Therefore, he states that the fourth respondent should be provided an opportunity to produce the title document. He also contends that the patta in relation to the relevant property stands in the name of the fourth respondent. In addition, he points out that the law with regard to inquiries in relation to matters coming within the ambit of Section 22-A of the Registration Act, 1908 was laid down by the Hon'ble Division Bench of this Court in a judgment reported in 2017 (3) CTC 135 (*Sudha Ravi Kumar v. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai*). Therefore, he submits that the said principles should be adhered to.

7. Upon perusal of the impugned refusal check slip, it is evident that the reasons for refusal are generic and encompass all the grounds for refusal to register under Section 22-A(1). The said order does not satisfy the minimum requirements for a reasoned order. Under the Registration Act 1908, if a registering authority refuses to register a document, cogent reasons are required to be indicated in that regard. The impugned order clearly does not meet such requirement. Accordingly, the impugned order is quashed.

8. Nevertheless, in view of the rival claims in respect of the property in question, the matter is remitted for reconsideration by the third respondent. For such purpose, the petitioner shall, if so intended, resubmit the relevant document for registration within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the third respondent is directed to conduct an inquiry by providing a reasonable opportunity to the



parties to the relevant document as well as the fourth respondent herein. Upon conclusion of such inquiry, the third respondent is directed to issue a reasoned order by taking into account the judgment of the Division Bench of this Court, which was reported in 2017 (3) CTC 135. Such reasoned order shall be issued within a period of three months from the date of receipt of such resubmitted document.

9.W.P(MD).No.17531 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD). No.14366 of 2021 is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Inspector General of Registration,
Chennai.
- 2.The District Registrar,
Thiruchirappalli District.
- 3.The Sub Registrar,
Srirangam,
Thiruchirappalli District.
- 4.The Joint Commissioner,
Sri Renganatha Swamy Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Thiruchirappalli District.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-30797[F] dated 30/09/2021)

+1 CC to M/s.SPL.GP (SR-30731[F] dated 30/09/2021)

W.P. (MD)No.17531 of 2021
29.09.2021

NSN(CO)/RS (11.10.2021) 3P 7C