

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3147 of 2022

C.Dhanabal

...Petitioner

Vs.

The Sub Registrar,
Registration Department,
Thirukazhukundram,
Chengalpet District.

...Respondent

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned order passed by the respondent vide refusal check slip bearing No.RFL/Thirukazhukunrum/9/ 2021 dated 18.10.2021 thereby refusing to register the rectification deed dated 18.10.2021 presented before the respondent to rectify the mistake in the original document namely sale deed 31.10.2020 registered with the respondent office and quash the same and consequently direct the respondent to register the rectification deed dated 18.10.2021 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondent : Mr.Yogeshkannadasan
Special Government Pleader

O R D E R

The petitioner has filed this petition for Writ of Certiorarified Mandamus to call for records relating to the impugned order passed by the respondent dated 18.10.2021 and quash the same and consequently direct the respondent to register the rectification deed dated 18.10.2021 within a time frame as fixed by this Court.

2. The case of the petitioner is that the petitioner has purchased the properties comprised in S.F.No.41/1A2A, 41/2,

41/3, 415/2, 417/7, 419/3, 419/5. 421/6, 421/7, 423/2, 426/3, 428/4, 428/5, 429/1A, 430/1A1, 432/1, 412/1C, 422/1D, measuring an extent of 12.20.5 ares ie., 30 acres and 92 cents of land situated at Poolangal Village, Aruppokkottai Taluk, Virudhunagar District, by virtue of Sale Deed dated 31.10.2020 and it was registered as Doc.No.3896/2020. Subsequently it came to know that in the Sale Deed dated 31.10.2020, it was inadvertently mentioned in page no.9, para 5 as S.F.No.429/1B instead of 429/1A and therefore, on the request of the petitioner, the vendor has subsequently executed the Rectification Deed dated 18.10.2021 and presented the same before the respondent for registration. However, shockingly and surprisingly, the respondent has refused to register the rectification deed for the reason that the document mentioned properties are situated at Virudhunagar District and same has not been situated within his jurisdiction. Challenging the said refusal order dated 18.10.2021, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the impugned refusal order was passed for the reason that the document mentioned properties are situated at Aruppokkottai Taluk. However, the learned counsel submitted that the petitioner is ready to go before the Aruppokkottai Taluk, to register the Rectification Deed and prays for appropriate orders in that regard.

4. The learned Special Government Pleader appearing for the respondent submitted that since the properties situated in Aruppokkottai Taluk, the petitioner may approach the jurisdictional Sub Registrar, Aruppokkottai Taluk, for registering the Rectification Deed and further if such Rectification Deed is presented, the same may be entertained and appropriate order will be passed.

5. Since no adverse orders are passed against the respondents, notice to them is not necessary and this Court based on the available records, is inclined to dispose of the matter.

6. In view of the consent expressed by the learned counsel appearing on both sides, this Court directs the petitioner to approach the jurisdictional Sub Registrar, Aruppokkottai Taluk, for registering the Rectification Deed and further if such Rectification Deed is presented, the same shall be entertained and appropriate order will be passed, if it is otherwise in order, after payment of necessary stamp duty by the petitioner.

7. This Writ Petition is disposed of with the above observations. No costs.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Registrar,
Registration Department,
Thirukazhukundram,
Chengalpet District.

2. The Sub Registrar
Aruppokkottai Taluk, Virudhunagar District

+1 CC to Mr.B.Prahalad Ravi, Advocate sr 14081
+1 CC to The Government Pleader sr 15027.

W.P.No.3147 of 2022

JP (CO)
SP(18/03/2022)