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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5621 OF 2022

Manikandan

... Petitioner

.Vs.

1. The Joint-I Sub-Registrar,
Chidambaram,
35, Valkai Street,
Chidambaram,
Cuddalore.
2. The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent proceedings in Refusal Check Slip Number:RFL/Joint-I Sub Registrar Chidambaram/35/2022 dated 23.02.2022 and quash the same as illegal and consequently direct the first respondent to register the Sale Deed dated 03.02.2022 presented by the petitioner.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent proceedings in Refusal Check Slip Number: RFL/Joint-I Sub Registrar Chidambaram/35/2022 dated 23.02.2022 and quash the same as illegal and consequently direct the first respondent to



register the Sale Deed dated 03.02.2022 presented by the petitioner.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property comprised in R.S.No.20/9 (0.61 acres), R.S.No.7/1A (0.25 acres), R.S.No.20/6 (0.25 acres), R.S.No.20/7 (0.009 acres), R.S.No.20/8 (0.20 acres), admeasuring an extent of 1.88 acres, situated at Nanjallur Village, Chidambaram Taluk, Cuddalore District. The Petitioner had acquired the property through a registered Sale Deed dated 06.06.2011 on the file of the first respondent. Thereafter, the petitioner presented a Sale Deed before the first respondent in respect of the above said properties, and the same was refused to be registered by the first respondent through his Resufal Slip dated 23.02.2022 stating that the second respondent had objected for registration. Challenging the same, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, without conducting any enquiry refusing the document presented by the petitioner is not sustainable.

5. The learned counsel for the petitioner would rely on an earlier decision of this Court in W.P.No.12689 of 2020, order dated 21.09.2020. The relevant portions of the above said order are extracted hereunder:-

5) The issue involved in the present writ petition is squarely covered by the earlier orders passed by this Court under similar circumstances, relying upon the Division Bench judgment in W.P.No.30589 of 2013 dated 05.04.2017. The relevant portions in one of the orders passed in W.P.No.29838 of 2019 dated 13.07.2020, are extracted hereunder:-

" 6. The issue that has been raised in the present writ petition is no longer res-integra and this Court has been repeatedly directing the office of the Sub-Registrar to follow the directions issued by the Division Bench and inspite of the same, it is found that documents are being returned back with a Refusal Check Slip in every case. Every time,



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the aggrieved executant of the document are forced to approach of this Court, challenging the Refusal Check Slip and every time this Court is reiterating and directing the concerned Sub-Registrar are either unaware of the directions given by the Division Bench or they are mechanically refusing registration without taking into account the judgment of the Division Bench.

7. This is yet another case where Refusal Check Slip has been issued in a mechanical fashion without following the direction given by the Division Bench of this Court.

8. In view of the above, the Refusal Check Slip issued by the second respondent is hereby set aside and the petitioner is directed to re-submit the document to the second respondent. On such re-submission, the second respondent is directed to follow the direction given by the Division Bench scrupulously and thereafter take a decision with regard to the registration of the document."

9) In view of the above, the writ petition is allowed and the impugned Check Slip issued by the first respondent is hereby quashed. The first respondent is directed to strictly comply with paragraph No.25 of the Division Bench judgment and take a decision within a period of four weeks from the date of receipt of copy of this order. The first respondent shall give an opportunity to the second respondent before taking a final decision. No costs. Consequently, connected miscellaneous petition is closed.

6. The learned Special Government Pleader appearing for the respondents submits that enquiry will be conducted between the petitioner and the second respondent and the first respondent will pass appropriate orders, within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, the writ petition is allowed and the impugned Check Slip issued by the first respondent is hereby quashed. The first respondent is directed to strictly comply with the Division Bench judgment and take a decision within a period of four weeks from the date of receipt of a copy of this order. The first respondent shall given an



opportunity to the second respondent before taking a final decision. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The Joint-I Sub-Registrar,
Chidambaram,
35, Valkai Street,
Chidambaram,
Cuddalore.
2. The Tamil Nadu Waqf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1cc to Mr.K.Sasindran, Advocate, S.R.No.17090
+1cc to the Government Pleader, S.R.No.17764

W.P.NO.5621 OF 2022

PMK(CO)
PBS/05/04/2022