



W.P.No.26449 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26449 of 2022

1. Kalaiarasi
 2. Dhanalakshmi
- ...Petitioners

Vs.

The Sub-Registrar,
Sub-Registrar Office,
Chennimalai,
Tirupur District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the return check slip dated 12.05.2022 bearing number RFL/Chennimalai/22/2022 and quash the same as well as directing the respondent to register the Relinquishment Deed which was refused to registered through vide return check slip dated 12.05.2022 bearing number RFL/Chennimalai/22/2022.

For Petitioners : Mr.A.Parthasarathy

For Respondent : Mr.C.Kathiravan,



W.P.No.26449 of 2022

Special Government Pleader

WEB COPY

ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in respect of the return check slip dated 12.05.2022 bearing number RFL/Chennimalai/22/2022, quash the same and to consequently, direct the respondent to register the Relinquishment Deed.

2. The case of the petitioner is that the property comprised in S.F.Nos.458 and 459, measuring an extent of 13.03 Acres, situated at Nall Road Village, Chennimalai is his ancestral property, which originally belonged to one Chinnaasamy Gounder, who is none other than the petitioners' maternal grandfather and the same was allotted in favour of the petitioners' mother namely Vishalakshi, vide compromise decree dated 03.11.1972 made in O.S.No.562 of 1972. While so, after the demise of their mother, the petitioners herein executed a relinquishment deed in respect of their respective share in the subject property in favour of their brother namely, Velmurugan and when the same was presented for registration, the



W.P.No.26449 of 2022

respondent has refused to register the same, vide return check slip dated

12.05.2022 bearing number RFL/Chennimalai/22/2022, on various grounds

viz, the petitioners have not enclosed the legal heir certificate, and the patta

in respect of the subject property comprised in S.F.No.459 is shown as joint

patta, and specifically on the ground that a portion of the property

comprised in S.No.459 was attached, vide order dated 17.04.2015 made in

I.A.No.229/15 in O.S.No.59/15. Challenging the said return check slip, the

present Writ petition is filed.

3. Heard learned counsel appearing on either side and perused the materials available on record.

4. Though very many contentions have been advanced by the learned counsel for the petitioner, the major grievance of the petitioner is that, unless there is a prohibition under the Registration Act, 1908, refusing to register the document presented for registration is not sustainable.

5. Though such an argument has been advanced, the fact remains that,



W.P.No.26449 of 2022

an amendment was made to the Registration Act, 1908, under 22-B(3) as per which, the registering officer shall refuse to register the document, if the subject property is attached by way of Court order under the Central Act or State Act. For better appreciation, the relevant portion is extracted hereunder:

"22-B. Refusal to register forged documents and other documents prohibited by law.--

Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely:--

...

(3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal"

6. In view of the specific prohibition under Section 22-B(3) of the Registration Act, 1908, this Court is of the view that, the return check slip impugned in this petition is perfectly in order and the same cannot be found fault with. Hence, the prayer sought for by the petitioner cannot be acceded to and no affirmative direction can be issued in favour of the petitioner.



W.P.No.26449 of 2022

7. For the reasons aforesaid, this Writ petition stands dismissed. No costs.

17.10.2022
(1/2)

skt

Index : Yes/No
Speaking order : Yes/No

To:

The Sub-Registrar,
Sub-Registrar Office,
Chennimalai,
Tirupur District.

5/7



WEB COPY



W.P.No.26449 of 2022

M.DHANDAPANI, J.

skt

W.P.No.26449 of 2022
(1/2)



WEB COPY



W.P.No.26449 of 2022

17.10.2022