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W.P.No.31785 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31785 of 2022

K.N.Kuppusamy

... Petitioner

vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Thingalur,
Erode District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the Refusal Check Slip dated 09.09.2022 in RFL/Thingalur/23/2022 issued by the respondent herein and quash the same and consequently direct the respondent to register the Sale deed dated 09.09.2022 executed by Mrs.Pappathi, sister of the petitioner in favour of the petitioner on re-presentation within a time frame to be stipulated by this Court.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.E.Vijay Anand
Additional Government Pleader



W.P.No.31785 of 2022

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the Refusal Check Slip dated 09.09.2022 in RFL/Thingalur/23/2022 issued by the respondent herein and consequently direct the respondent to register the Sale deed dated 09.09.2022 executed by Mrs.Pappathi, sister of the petitioner in favour of the petitioner on representation within a time frame to be stipulated by this Court.

2. It is the case of the petitioner that originally petitioner and his sister came into possession of the ancestral properties situated in Karandipalayam Village, Perundurai Taluk from their father namely Natchimuthu gounder. After his demise, petitioner and his sister are in possession and enjoyment of the said properties. Thereafter, petitioner's sister has executed a sale deed dated 09.09.2022 in respect of her half share in favour of the petitioner to an extent of 67.5 cents situated in Karadipalayam Village, Perundurai Taluk, Erode District. When the petitioner presented the said sale deed before the respondent for registration, the same was refused to be registered vide refusal check slip dated 09.09.2022, citing the fact that the vendor has to obtain separate patta for registration of the sale deed. Challenging the same



W.P.No.31785 of 2022

the present writ petition has been filed seeking the aforesaid relief.

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3. Learned counsel for the petitioner submits that though the petitioner presented the sale deed before the respondent for registration, the respondent refused to register the same citing the fact that the petitioner's vendor has to obtain separate patta before the registration of the sale deed. However, patta is not title and respondent is duty bound to entertain the document presented by the petitioner only in terms of parent document and without there being any discrepancy in the parent document, refusing to register the document presented by the petitioner is not sustainable. Further, the petitioner is ready to represent the sale deed along with the joint patta issued in the name of the petitioner's father and the other co-holders. Hence, this Court may direct the respondent to entertain the document within the period that may be stipulated by this Court.

4. Learned Additional Government Pleader appearing for the respondent submitted that if the petitioner re-presents the sale deed along with the joint patta which was issued in favour of the petitioner's father and



W.P.No.31785 of 2022

other co-holders and the parent document, the same will be reconsidered and appropriate orders will be passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is fairly submitted by learned counsel for the petitioner that the patta is not the title and the petitioner is ready and willing to re-present the sale deed along with the parent document and the joint patta issued in favour of the petitioner's father and other co-holders before the respondent for registration. In view of the limited request of the learned counsel for the petitioner and also in view of the fair stand taken by learned Additional Government Pleader appearing for the respondent, the impugned order is set aside and the matter is remanded to the respondent. The petitioner is directed to re-present the sale deed along with the parent document and the joint patta issued in the name of the petitioner's father and other co-holders for registration before the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the respondent is directed to entertain the same and pass appropriate orders



W.P.No.31785 of 2022

within a period of six weeks thereafter.

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7. With the above directions and observation, this Writ Petition is allowed. No costs.

28.11.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To:

The Sub-Registrar,
Office of the Sub-Registrar,
Thingalur,
Erode District.

M.DHANDAPANI, J.

RAP



WEB COPY



W.P.No.31785 of 2022

W.P.No.31785 of 2022

28.11.2022