

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13316 of 2021
and
W.M.P.(MD)No.5001 of 2022

Mariyamuthu

... Petitioner

Vs.

The Sub Registrar,
Thirumayam Sub Registrar Office,
Pudukkottai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the Respondent in his impugned refusal slip in RFL/Thirumayam/92/2021 dated 20.07.2021 and quash the same as arbitrary and Illegal and consequently direct the respondent to register the petitioner's sale deed dated 20.7.2021.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The property in question originally belonged to Ganesan. The said Ganesan had executed a power of attorney in favour of one Sakthi. The said

Sakthi had entered into a sale agreement with one Muthusamy and solai on 06.09.2017. It was a registered agreement. It appears that the said sale agreement did not culminate into a sale deed. In the meanwhile, Ganesan passed away. The legal heirs of Ganesan wanted to sell the property to the writ petitioner herein. The sale deed was presented before the respondent. Citing the fact that the sale agreement had earlier been registered in respect of the said property, the respondent declined to register the document in question and issued the impugned refusal check slip. The same is put to challenge in this writ petition.

3. The case on hand is squarely covered by the ratio laid down by the Court in the decision reported in 2020 (6) CTC 697 (N.Ramayee Vs. Sub Registrar).

4. In view of the same, the impugned refusal check slip is quashed. The Writ Petition is allowed. No costs. The parties are permitted to re-present the document in question. The respondent shall entertain the same and register it subject to fulfilment of the usual formalities. Consequently, connected miscellaneous petition is closed.

26.08.2022

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Thirumayam Sub Registrar Office,
Pudukkottai District.

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G.R.SWAMINATHAN, J.

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