

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14841 of 2022

Nattudurai

... Petitioner

Vs

1.The Sub Registrar,
Kallimanthaiyam,
Dindigul District.

2.Goundappa Gounder

... Respondents

(R-2 is suo motu impleaded vide Court Order dated 10.08.2022 in W.P.(MD).No.14841 of 2022).

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the respondent made in Refusal No. RFL/Kalli Manthiyam/35/2022 dated 30.06.2022 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 30.06.2022 presented for registration on 30.06.2022 executed in favour of the petitioner in respect of 1/4th share of the property in Survey No. 1166/1 with an extent of 3 acres 14 cents situated at Porulur Village, Oddanchathiram Taluk, Dindigul District within a time frame.

For Petitioner : Mr.M.P.Senthil,
For Mr.D.Venkatesh
For R-1 : Mr.K.S.Selva Ganesan
Additional Government Pleader.
For R-2 : Mr.S.T.Sasidharan Tamil Kani

ORDER

Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the first respondent and learned counsel appearing for the second respondent.

2. The writ petitioner intends to purchase undivided share from one of the co-sharers of the property. When the document was presented for registration, it was returned on the ground that the original documents have not been produced. To that effect, the refusal check slip was issued. Questioning the same, the present Writ Petition has been filed. In the decision reported in *2021 (2) CTC 526(Sivanadiyan Vs Sub Registrar, Pudukottai)*, a learned Judge of this Court had held that the registering authority cannot insist on production of the original parent document.

3. The learned counsel appearing for the impleaded respondent submitted that the partition suit is pending and that he is also having a share in the property. The petitioner clarifies that he had purchased only the un-divided share.

4. I make it clear that the rights of the parties will eventually abide by the outcome of the partition suit which is now said to be pending. In this view of the matter, the refusal check slip in this Writ Petition is quashed. The petitioner is permitted to re-present the document. The first respondent will receive the same, register it and release it subject to the fulfilment of usual formalities.

5. This Writ Petition is allowed accordingly. No costs.

02.09.2022

Index : Yes / No
Internet : Yes/ No
Nsr

G.R.SWAMINATHAN, J.

Nsr

To
The Sub Registrar,
Kallimanthaiyam,
Dindigul District.

W.P.(MD)No.14841 of 2022

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