



W.P.(MD).No.22067 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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S.Senthilkumar

... Petitioner

VS.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai 600 028.

2.The Deputy Inspector General of Registration,
Combined Registration Office Campus,
Rajakambeeram,
Madurai District.

3.The District Collector,
District Registrar Office,
Sivagangai,
Sivagangai District.

4.The Sub Registrar,
Sub Registrar Office,
Paramakudi,
Sivagangai District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to issue necessary direction to the fourth respondent to register the sale deed executed by the petitioner in connection with the property comprised in S.No.260/8 to an extent of 14 cents of Punja land situated at Emaneswaram Village, Paramakudi Taluk, Ramanathapuram District (Registration Fee Application No.S01LANDVV202209136376485, dated 13.09.2022 paid by the petitioner), on the basis of the petitioner's representation, dated 13.09.2022.

For Petitioner : Mr.M.Sridharan

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

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to issue necessary direction to the fourth respondent to register the sale deed executed by the petitioner in connection with the property comprised in S.No.260/8 to an extent of 14 cents of Punja land situated at Emaneswaram Village, Paramakudi Taluk, Ramanathapuram District (Registration Fee



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Application No.S01LANDVV202209136376485, dated 13.09.2022 paid by the petitioner), on the basis of the petitioner's representation, dated 13.09.2022.

2. The case of the petitioner is that one N.Palanikumar, S/o. Natarajan appoint the petitioner as power agent by registered power deed, dated 15.07.2021. The said Palanikumar is the owner of the property in S.No.260/8 to an extent of 14 cents of punja land situated at Emaneswaram Village, Paramakudi Taluk, Ramanathapuram District and he is in possession and enjoyment of the same. The petitioner has made an arrangement to sell the said property to one K.Malaisamy, W/o. Karuppaiah at Paramakudi with valid consideration. Thereafter, he has presented the document to register the sale deed, on 13.09.2022, before the fourth respondent and he has also paid the registration fee. But the fourth respondent has refused to register the said document and he has issued only the No Objection Certificate to the subject matter of property dated 21.06.2022. Hence, the petitioner has filed the present writ petition.



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3. The Sub Registrar, Paramakudi, Sivagangai District, the fourth respondent herein has filed a counter stating that the property in S.No. 260/8 measuring about 0.56.0 punja land in Block No.5, Ward No.1 in Paramakudi Corporation and S.No.15/8 situated at Emaneswaram Village, Paramakudi reflect the name of one Palanikumar Pillai, S/o. Natarajan Pillai. The extract from the Town Survey land register was produced at the time of presenting the document for registration and no other parental document was produced before the Registration Authority. The Sub Registrar verified the identity of the executant of the document, but the said Palani Kumar identified himself as Palani Kumar, S/o. Natarajan Pillai. Hence, the Sub Registrar refused to register the document. The activities of the executants were created doubt and hence, the fourth respondent forwarded the request to the Inspector of Police, Thirumangalam Town to verify the executant address and genuinity of the power document No.4251/2021. As per the request of the fourth respondent, the Inspect of Police, Thirumangalam Town conducted an enquiry and orally informed to the fourth respondent that



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there is no such persons are living in the document mentioned address and their identity also fake. The fourth respondent immediately lodge a complaint before the Paramakudi Town Police Station, seeking investigation for the above said issue. A CSR also given by the Paramakudi Town Police in CSR.No.636/2022. Hence, the request of the petitioner cannot be considered by the fourth respondent.

4. This Court, by order dated 07.11.2022, directed the fourth respondent to file an affidavit stating that as to why he has given No Objection Certificate and then refusing to register the document. Hence, the fourth respondent has filed an affidavit, wherein, it has been stated that a communication was received from the office of Thirumangalam Sub Registrar Office, Madurai, South Registration District seeking NOC regarding Document P.77/2021, dated 15.06.2021 and in the said communication, the schedule of property alone was enclosed and there is no particulars about the executant of the said document. Hence, he has sent a reply to Thirumangalam Sub Registrar Office with regard to the guideline value register.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. On going through the typed set of papers, it is seen that a communication was sent by Thirumangalam Sub Registrar to the fourth respondent and the fourth respondent has given the guideline value as Rs.4,85,750/- for the S.No.15/8, Ward E, Block 5 and there was no encumbrance as per Section 22-A of Registration Act. When the fourth respondent came to know about the said Act, he has given a police complaint before Paramakudi Police Station and the investigation is on. The petitioner's submission that without even perusing the document, the fourth respondent has rejected the said document is not accepted as the petitioner has already paid the amount and produced the said documents for perusal, then only when he questioned the same, the petitioner has taken away the document and left and suppressing the same, the petitioner has filed the present writ petition.



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7. In view of the above, the prayer sought for by the petitioner cannot be granted at this juncture and the same has to be enquired into by the authorities concerned and thereafter pass appropriate orders. Hence, this Writ Petition is dismissed giving liberty to the police authorities and the registering authorities to proceed further in the enquiry and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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To

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
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- 2.The Deputy Inspector General of Registration,
Combined Registration Office Campus,
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Madurai District.

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3. The District Collector,
District Registrar Office,
Sivagangai,
Sivagangai District.

4. The Sub Registrar,
Sub Registrar Office,
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V.BHAVANI SUBBAROYAN,J.

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