



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22231 of 2022

P.Muniyandi

..Petitioner

Vs

1.The District Registrar,
District Registration Office,
Velunachiyar Campus,
District Collectorate,
Dindigul District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Athoor Taluk,
Dindigul District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in Refusal Check Slip Vide Refusal No.RFL/Athoor-Dindigul/56/2022, on the file of the second respondent and to quash the same and consequently to direct the respondents to register the sale deed of the Petitioner, dated 19.7.2022 as per the provisions of the Registration Act,1908.

For Petitioner :Mr.S.Lenin Prabhu

For Respondents:Mr.K.S.Selvaganesan
1 and 2 Addl.Govt.Pleader

**ORDER**

This Writ Petition is filed seeking issuance of a Certiorarified Mandamus calling for the records pertaining to the impugned order made in Refusal Check Slip Vide Refusal No.RFL/Athoor-Dindigul/56/2022, on the file of the second respondent and to quash the same and consequently to direct the respondents to register the sale deed of the Petitioner, dated 19.7.2022 as per the provisions of the Registration Act, 1908.

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

3.The case of the petitioner is that he has purchased the house property in S.No.101/3 measuring an extent of 645.84 sq.ft from one Late M.Pandi, who was the son of Late Sonai, who is residing at Pallayankottai Village, Athoor Taluk, Dindigul District. All their legal heirs have decided to sell the property to the Petitioner, who are the absolute owners of the said property. Hence the Petitioner prepared a sale deed, dated 19.7.2022 for a sale consideration of Rs.2 lakhs and the same was presented for registration before the second respondent. But the same was refused to register the same by the second respondent without conducting any proper enquiry and scrutiny and passed the impugned



stating that survey number of the said property was already registered and the same cannot be registered in the present sale deed. Hence the Petitioner has come forward with this Writ Petition for the relief stated supra.

4. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents 1 and 2 submitted a communication of the Sub-Registrar, Athoor, dated 22.09.2022, addressed to him, wherein, the Registering authority had refused to register the sale deed stating that the said property not found place in the relevant revenue documents. A perusal of the above document would show that the Registering authority had rightly refused to register the sale deed of the Petitioner. Hence this Court is of the considered view that the Petitioner has not made out a prima facie case for grant of the relief as sought for in the Writ Petition and hence the same deserves dismissal from this Court.

5. Accordingly, the Writ Petition stands dismissed. No costs. However, liberty is given to the Petitioner to proceed on the same, in the manner known to law.

18.11.2022



Index : Yes/No

Internet: Yes/No

vsn

To

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Velunachiyar Campus,
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Dindigul District.
2. The Sub-Registrar,
Office of the Sub-Registrar,
Athoor Taluk,
Dindigul District.



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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.22231 of 2022

18.11.2022