



W.P(MD)No.21449 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21449 of 2015

R.Selvam

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registration Department,
Karur-639 007.

2.The Sub Registrar,
Office of the Sub Registrar,
Mela Karur,
Karur.

... 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 of the second respondent in his proceedings in check slip No.1/October/2015, dated 19.10.2015 and quash the same as illegal and direct the second respondent to register the petitioner's settlement deed, dated 15.10.2015, without insisting for production of patta with regard to the property comprised in S.F.No.180 at Thornakkalpatti Village, Karur Taluk and District purchased by the petitioner.



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For Petitioner : M/s.B.Muneeswaran
for M/s.S.J.Chakkaravarthy

For Respondents : M/s.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the second respondent herein, under which, he has refused to entertain registration of a sale deed on the ground, the Thasildar, Karur has sent a communication to him, not to register any document.

2. A perusal of the communication issued by the Tahsildar, Karur to the second respondent herein on 26.11.2014, indicates that patta proceedings are pending before him and hence, he has requested the second respondent, not to register any document in relation to the said survey number. The communication of the Tahsildar, Karur is without jurisdiction and he has no power to direct the Sub Registrar, not to register any document. The second respondent, namely, the Sub Registrar is duty bound to register all the documents presented before him unless they fall within Section 22-A or 22-B or the registration of the same is



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prohibited under the Registration Act. The statutory functions of the Sub Registrar cannot be prohibited by a communication by the Tahsildar, Karur. Since the order impugned in the writ petition is based upon an illegal order, the order impugned in the writ petition is set aside. The second respondent is directed to register the document presented by the writ petitioner, if it is otherwise in order.

3. With the above said observations, the writ petition stands allowed. There shall be no order as to costs.

27.10.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The District Registrar,
Office of the District Registration Department,
Karur-639 007.

2.The Sub Registrar,
Office of the Sub Registrar,
Mela Karur,
Karur.

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R.VIJAYAKUMAR, J.

btr

Order made in
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