



W.P.(MD)No.26372 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26372 of 2022
and
W.M.P.(MD)No.20554 of 2022

B.Meenakshi

.. Petitioner

Versus

The Sub-Registrar,
Sub-Registrar Office,
Karunthattankudi,
Thanjavur District.

.. Respondent

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Slips issued by the respondent in Refusal Numbers RFL/Karunthattankudi/347/2022, dated 08.07.2022 and RFL/Karunthattankudi/348/2022 dated 08.07.2022, quash the same as illegal and consequently, direct the respondent to take on file the documents presented by the petitioner in TP/125550930/2022, TP/125536691/2022 and register the same within a time limit to be fixed by this Court.

For Petitioner	:	Mr.G.Kannan
For Respondent	:	Mr.S.R.A.Ramachandran Additional Government Pleader



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ORDER

WEB COPY The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the Refusal Slips issued by the respondent in Refusal Numbers RFL/Karunthattankudi/347/2022, dated 08.07.2022 and RFL/Karunthattankudi/348/2022 dated 08.07.2022, and consequently, direct the respondent to take on file the documents presented by her in TP/125550930/2022, TP/125536691/2022 and register the same, within a time frame.

2. Heard Mr.G.Kannan, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the present Writ Petition contending among other things that she has married one T.Balathandayutham, S/o.Thirunavukkarasu – Sakunthala, on 27.04.2006 and due to the said wedlock, two children were born. Thereafter, her husband developed illegal intimacy with another lady namely, Yasotha. The said Yasotha with the active connivance of the petitioner's husband has encroached upon the properties of



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the petitioner, situated at Thanjavur and collecting rent from such properties and left the petitioner and her children in a lurch. The petitioner's children are struggling and striving hard to live and they were forced to leave their schooling from a reputed School at Thanjavur and now, with great difficulty, they are studying in a Panchayat Union School, Y.Othakadai, Madurai. Now, the petitioner is in need of money for her livelihood, medical and educational expenses of her children and therefore, she decided to sell the property. The petitioner has lost the original sale deed in her favour during a travel and therefore, she obtained a non-traceable certificate from the Police authorities after exhausting paper publication and other formalities.

4. When the petitioner approached the respondent with certified copies of the sale deed, which stands in her name, to register two Power of Attorney documents in favour of one Azhagiri Balan, S/o.Krishnan, to look after the conveyance of her property and other related works on her behalf, the respondent refused to register the same and returned it on the ground that the petitioner's husband filed an objection petition stating that he is in possession of all original documents pertaining to the sale deed in favour of the petitioner and the pendency of a civil suit in O.S.No.7 of 2021, on the file of the Family Court, Thanjavur. The petitioner has filed Tr.C.M.P.(MD)No.164 of 2022 before this Court and obtained an interim order and the same is still in force.



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5. The learned counsel for the petitioner submitted that the act of the respondent in refusing to register the petitioner's documents is in violation of the existing law and rules and the instruction issued by the Inspector General of Registration, Chennai. The respondent cannot decide the title dispute and travel beyond his power to enquire into the genuineness of the non-traceable certificate issued by a competent authority, namely, the Police Officials and therefore, he prayed for allowing the present Writ Petition.

6. The learned Additional Government Pleader appearing for the respondent submitted that the enquiry would be conducted after issuing notice to all the necessary parties concerned and appropriate orders would be passed on merits and in accordance with law, within a time frame.

7. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondent, this Court, without going into the merits of the case, directs the respondent to conduct an enquiry after issuing notice to all the necessary parties concerned, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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8. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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22.11.2022

To

The Sub-Registrar,
Sub-Registrar Office,
Karunthattankudi,
Thanjavur District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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