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W.P.No.1446 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED :23.01.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.1446 of 2023**

C.Gokila

... Petitioner

-Vs-

The Sub-Registrar,  
Joint 2 Sub Registrar Office,  
Tiruppur District.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the Refusal Check Slip in Refusal Number:RFL/Joint Sub Registrar II Tiruppur/18/2022 on the file of the respondent herein dated 28.12.2022 and to quash the same as illegal and incompetent and consequently direct the respondent to register the sale deed dated 27.12.2022 executed of the petitioner.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader

**ORDER**



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The prayer sought for herein is for writ of Certiorarified Mandamus to quash the impugned Refusal Check Slip in Refusal Number:RFL/Joint Sub Registrar II Tiruppur/18/2022 on the file of the respondent herein dated 28.12.2022 and consequently direct the respondent to register the sale deed dated 27.12.2022 executed by the petitioner.

2. The petitioner presented a document for registration before the respondent that has been refused through the impugned refusal check slip, where the following reason has been given:

*“Government/ HR & CE/ Wakf Board / Boomidhan/ Panchami lands”*

3. Challenging the same, Mr.R.Jayaprakash, learned counsel appearing for the petitioner submits that, it is understood by the petitioner that some objection has come from H.R. & C.E Department, but it has not been specifically stated in the impugned order.

4. Mr.Yogesh Kannadasan, learned Special Government Pleader, who wants to defend the respondent as well as the impugned order submits



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that, if any objection has come either from the Government or from the H.R & C.E. Department or from the Wakf Board or from the Boomidhan or from the Panchayat Board that kind of reasons should be given by the Registering Authority for not registering or entertaining the document for registration. However, that must have been specifically stated, failure to state the specific reason may be an error on the part of the respondent, for which, the impugned order cannot be successfully assailed, he contended.

5. I have gone through the said reason given by the respondent in the impugned order, which says “the Government/H.R. & C.E.,/ Wakf Board/ Boomidharn /Panchami Lands”, from which, nobody can understand, from whom such objection has come, either from the Government or from the H.R & C.E. Department or from the Wakf Board or from the Boomidhan or from the Panchayat Board or from the Panchayat authority.

6. This kind of evasive reason cannot be given by the Registering Authority within the meaning of either under Section 22-A or under Section 22-B of the Registration Act, 1908. Therefore, the respondent, if at



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all has got any specific objection from any of the party to reject the document, that should have been specifically mentioned in the order and based on which, if any refusal is made, it is open to the petitioner to face the same and agitate the same in the manner known to law and hence, this Court has no hesitation to hold that the reason stated in the present format in the impugned order cannot be sustained in the eye of law. Hence, for the said for reason alone, the impugned order is to be interfered with.

7. In the result, the following orders are passed in this writ petition:

- ◆ That the impugned order is set aside and the matter is remitted back to the respondent for reconsideration.
- ◆ While reconsidering the same, it is open to the respondent to invite both the petitioner as well as the person, who has given such objection either from the Government or from the H.R.& C.E. Department or from the Wakf Board or from the Boomidhan or from the Panchayat Board and accordingly, after conducting a limited enquiry, a decision can be arrived at by the Registering Authority and ultimately, he can pass orders, if he still wants to refuse it, otherwise, the document if is in order, there can be no further



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impediment for the respondent to register the same.

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With these directions, this writ petition is disposed of. No costs.

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Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
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To

The Sub-Registrar,  
Joint 2 Sub Registrar Office,  
Tiruppur District.

**R. SURESH KUMAR, J.**

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