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W.P.Nos.2329 & 2332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.2329 & 2332 of 2023

Muthumanickam	... Petitioner in W.P.No.2329/2023
Hema Krishnan	... Petitioner in W.P.No.2332/2023

-Vs-

1. State Represented by
The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai – 600 028.
 2. The Sub-Registrar,
Office of the Sub Registrar, Pollachi.
 3. A/m.Subramania Swamy Thirukoil,
Represent by its Executive Officer,
HR & CE Department,
Pollachi, Coimbatore District.
- ... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certioraified Mandamus, to call for the records of the 2nd respondent in his Check Slip in Refusal Number RFL/Pollachi/38/2022 and RFL/Pollachi/87/2022 dated 26.04.2022 and 11.10.2022 respectively and to quash the same and consequently direct the 2nd respondent herein to entertain and to Register the instruments, such as Settlement Deed, Sale Agreement, Sale Deed and any other



W.P.Nos.2329 & 2332 of 2023

instruments in respect of the Lands Plot No.37 and 45 to an extent of 2400 sq.ft and 2100 sq.ft respectively in Old S.No.15B/2A2 and 15/B2A2 respectively in New S.No.15B/2A2A1 and New SF.No.15B/2A2A1 respectively in A.Sangampalayam Village, Achipatti Panchayat, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.M.Rajasekar
[in both W.Ps.]
For Respondents : Mr.Yogesh Kannadasan
[in both W.Ps.] Special Government Pleader [R1
& R2]
: Mr.M.Bindran
Additional Government Pleader
[R3]

COMMON ORDER

Since the issue raised in both the writ petitions is one and the same, with the consent of learned counsel appearing for both sides, both these writ petitions were heard together and are disposed of by this common order.

2. In both the cases respective petitioners presented various documents for registration to the concerned Registering Authority i.e., second respondent. However, those documents have been refused to be registered by giving the refusal check slip dated 26.04.2022 and 11.10.2022 in both the cases respectively. The reason given by the



W.P.Nos.2329 & 2332 of 2023

second respondent for giving such refusal check slip reads thus:

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Lands”

3. Challenging the said refusal check slip, the present writ petitions have been filed.

4. Heard Mr.M.Rajasekar, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Bindran, learned Additional Government Pleader appearing for the third respondent.

5. On perusal of the reason given in the refusal check slip, this Court *prima facie* finds that, it is very vague on the part of the second respondent to give such a reason. If at all any complaint or protest has come from any authorities like Government, HR & CE, Wakf Board, Boomidhan, Panchami lands, such kind of complaint must be atleast in nutshell should be given, as a reason for refusal of registration, otherwise, giving these kind of vague reason by giving all these



W.P.Nos.2329 & 2332 of 2023

authorities and put a tick mark in respect of one authority would not meet the requirement as the person who presented a document may not be in a position to know what is the actual objection come from which authority and on what basis. Without knowing these reasons, the parties, who presented the document would not be in a position to rectify the same or to clarify the same to the satisfaction of the Registering Authority. Therefore, this kind of vague reasons cannot be sustained for refusal of document presented for registration, if those documents are otherwise in order.

6. In that view of the matter, this Court has no hesitation to hold that the impugned communication would not stand in the legal scrutiny. Therefore, they are liable to be interfered with.

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

- ◆ That the respective impugned communications in both the writ petitions are hereby set aside and the matter is remitted back to the second respondent for reconsideration.



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W.P.Nos.2329 & 2332 of 2023

R. SURESH KUMAR, J.

mp

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai – 600 028.
2. The Sub-Registrar,
Office of the Sub Registrar, Pollachi.
3. A/m.Subramania Swamy Thirukoil,
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