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W.P.No.5531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.5531 of 2023

N.Dharmalingam

... Petitioner

Vs

The Sub Registrar,
Vettavalam Sub Registrar Office,
Vettavalam Town,
Tiruvannamalai Taluk & 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 relating to the refusal check slip bearing No.RFL/Vettavalam/2/2023 dated 03.02.2023 issued by the respondent as illegal and quash the same and consequently issue suitable direction, directing the respondent to register the Sale Deed dated 03.02.2023 in Application No. TP/142693362 /2023 and release the same to the petitioner.

For Petitioner : Mr.R.Mohan

For Respondent : Mr.Yogesh Kannadasan
Special Govt. Pleader



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ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records relating to the refusal check slip bearing No.RFL/Vettavalam/2/2023 dated 03.02.2023 issued by the respondent as illegal and quash the same and consequently issue suitable direction, directing the respondent to register the Sale Deed dated 03.02.2023 in Application No. TP/142693362/2023 and release the same to the petitioner.

2. In respect of property at Punja Survey No.160/12 at Avoor Village, Kilpennathur Taluk, Tiruvannamalai District, the petitioner had presented a document to the respondent for registration the extent of the property was 0.08.0 ares which is equivalent to 19.76 cents, however in the schedule of the document, it has been mentioned by the petitioner as 0.08.0 ares (0.20 cents) that means 20 cents, hence considering this the respondent has refused to accept the document for registration and he has issued a refusal check slip where the respondent has cited the reason that what was purchased by the petitioner as a purchaser from his vendor alone has to be executed by way of sale in the present document, where, instead of 19.76 cents since he has made as 20 cents that cannot be accepted, because for the small portion of 0.24 cents the petitioner is not the owner, hence that refusal



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check slip dated 03.02.2023 was issued which is impugned herein.

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3. Heard Mr.R.Mohan, learned counsel appearing for the petitioner who on instruction would submit that, it is only 0.08.0 ares which is equivalent to 19.76 cents, therefore it has been rounded as 0.20 cents suppose if that is objectionable and is to be rectified, the petitioner has no hesitation to rectify the document and re-submit the same and represent before the respondent for registration, therefore to that extent the respondent can be directed to consider the document to be presented for rectification for registration, he contended.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents who would submit that, whether it is a small portion or small piece of the land for which if the petitioner is not an owner, he cannot execute the document, therefore proper extent for which the petitioner is the owner to sell the property alone has to be made in the document presented for registration, hence if the petitioner himself comes forward to file a rectified document after making necessary correction in the schedule that instead of 0.20 cents making it as 19.76 cents, the same shall



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be considered and if it is otherwise in order the registration process would be undertaken by the respondent, he contended.

5. Considering the said submission made by both sides especially the stand taken by the learned Special Government Pleader for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

That the impugned order is set aside and the matter is remitted back to the respondent for reconsideration. While reconsidering the same, the rectified sale deed/document to be represented by the petitioner making it clear in the schedule of the property as 0.08.0 ares equivalent to 19.76 cents, the same can be accepted if it is otherwise in order and accordingly the respondent can proceed to register the same.

6. With this direction, this Writ Petition is disposed of. No costs.

23.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To



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The Sub Registrar,
Vettavalam Sub Registrar Office,
Vettavalam Town,
Tiruvannamalai Taluk & District.



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R.SURESH KUMAR, J.

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