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Writ Petition No.6121 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.6121 of 2023

M.Venkatesan

S/o.Murugan

... Petitioner

-Vs-

1. Inspector General of Registration,
No.100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai – 600 028.

2. The Sub-Registrar (Omalur),
Bazaar Street, Kamatchi Veethi,
Omalur, Salem – 636 455.

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent S.R.O., Omalur, Salem District to accept the Sale Deed dated 25.08.2021 for registration thereby considering the application for pre-registration Token Receipt No.TP/104624370/2021, dated 06.09.2021 within a stipulated time fixed by this Court.

For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent S.R.O., Omalur, Salem District to accept the Sale Deed dated 25.08.2021 for registration thereby considering the application for pre-registration Token Receipt No.TP/104624370/2021, dated 06.09.2021 within a stipulated time fixed by this Court.

2. The petitioner presented a document of sale deed dated 25.08.2021 before the second respondent for registration for getting necessary token in this regard on 06.09.2021. However, the document when was presented was not accepted and has been returned without giving any reason in writing by the second respondent. Therefore, seeking a mandamus from this Court to the second respondent to receive this document and proceed the same to register as if it is in order, the petitioner has moved the present writ petition.

3. Heard Mr.N.Vijaya Basker, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

4. Learned Special Government Pleader appearing for the



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respondents would submit that, once a document is presented for registration, first it must be accepted by the Registering Authority, thereafter, after scrutinizing the same, if it is a registrable one or if it is otherwise in order that can be registered. However, if there is any deficiency, for which it has to be refused and the refusal check slip would be issued by the second respondent, without giving any refusal check slip, no oral retention can be made by the second respondent. Therefore, in this regard, the second respondent would receive the document to be submitted by the petitioner and scrutinize the same, if it is in order, it would be registered, otherwise the reason has to be stated, if it is refusable one.

5. Considering the said submission made by the learned Special Government Pleader appearing for the respondents, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the second respondent to receive the document in question to be presented by the petitioner, which the petitioner shall present before the second respondent within a period of two weeks from the date of



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receipt of a copy of this order and on receipt of the same, it shall be scrutinized and if it is otherwise in order for the purpose of registration, the second respondent can proceed to register the same, otherwise the second respondent wants to refuse the document for any plausible reason, by citing the said reason refusal check slip may be issued by the second respondent under Section 71 of the Registration Act, 1908 within a period of four (4) weeks thereafter.

With this direction, this writ petition is disposed of. No costs.

01.03.2023

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



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To

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R. SURESH KUMAR, J.

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