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W.P.Nos.6212 & 6215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.6212 and 6215 of 2023

Arunachalam		Petitioner in W.P.No.6212/2023
A.Sornambal		Petitioner in W.P.No.6215/2023

-Vs-

The Joint Sub-Registrar No.2, Registration Department Tiruppur.		Respondents in both the W.Ps.
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Prayer in W.P.No.6212 of 2023: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Refusal Check Slip bearing No.RFL/2 Joint Sub-Registrar No.2 Tiruppur/16/2022 dated 16.12.2022 on the file of the respondent herein quash the same and consequently direct the respondent herein to register the Discharge Receipt dt. 16.12.2022 executed by M/s.UCO Bank to and in favour of the petitioner within a stipulated period.

Prayer in W.P.No.6215 of 2023: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Refusal Check Slip bearing No.RFL/2 Joint Sub-Registrar No.2 Tiruppur/14/2022 dated 13.12.2022 on the file of the respondent herein quash the same and consequently direct the respondent herein to register the Discharge Receipt dt. 13.12.2022 executed by M/s.UCO Bank to and in favour of the petitioner within a stipulated period.



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In Both W.Ps.

For Petitioner : Mr.K.Govi Ganesan
For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

The petitioners in these writ petitions presented documents before the respondent Sub Registrar and the same have been refused through the refusal check slip date 16.12.2022 and 13.12.2022 respectively. Challenging the same the present writ petitions have been filed.

2. In the impugned refusal check slips, the respondent SRO has given the following reason for refusal.

“1.Government / HR & CE / Wakf Board /Boomidhan / Panchami Lands”

3. Among these five heads, under which head the said documents were refused is not known and in some cases of similar issue dealt with by this Court earlier, at least there was a tick mark in the five heads, but in the present case in hand even that tick mark is absent, which shows the total non-application of mind by the respondent SRO who has passed the impugned refusal check slips. This Court, on earlier occasions also when similar refusal orders have been passed by the Sub Registrar who passed the present order had quashed the



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same and the matters were remitted back. Despite that, this kind of orders have been repeatedly passed by the same Sub Registrar. Therefore, this Court has no hesitation to hold that the reason cited by the Sub Registrar in the impugned refusal check slips cannot be sustained, as it is not at all a reason even worthy of the paper on which it had been written.

4. Accordingly, this Court is inclined to dispose of these writ petitions with the following order.

- The impugned Refusal Check Slips in bearing No.RFL/2 Joint Sub-Registrar No.2 Tiruppur/16/2022 dated 16.12.2022 and RFL/2 Joint Sub-Registrar No.2 Tiruppur/14/2022 dated 13.12.2022 are hereby set aside.
- As a sequel, the matters are remitted back to the respondent to reconsideration. While reconsidering the same, proper reason must be given if at all the respondent SRO wants to refuse the registration. Otherwise, he can proceed to register the documents in question if the same are otherwise in order.
- It is made clear that the SROs like the present respondent shall not pass any orders like this, where the refusal check slips are passed without pointing out the proper reason and if this kind of reasons are given in a cavalier manner stating that Government / HR & CE / Wakf Board / Boomidhan / Panchami Lands, in future, that would be viewed seriously and if the said kind of orders are challenged in



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future before this Court, it would be set aside and the writ petitions would be allowed by imposing exemplary costs on the respondent SRO who pass such kind of orders.

5. With the above directions and note of caution, these writ petitions are disposed of. No costs.

02.03.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST

To

The Joint Sub-Registrar
No.2, Registration Department
Tiruppur.



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R. SURESH KUMAR, J.

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