



W.P.No.8339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8339 of 2023

R.Chinnasamy

...Petitioner

Vs

1.The Sub Registrar,
Singanallur Sub Registrar Office,
Singanallur,
Coimbatore-641 111.

2.The Senior Superintendent of Post Office,
Coimbatore Division,
Coimbatore-641 001.

3. The Sub Post Master,
Sinniyampalayam Sub Post Office,
Sinniyampalayam, Coimbatore-641 062.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to register the surrender/cancellation of lease deed based on the letters dated 27.02.2023 and 28.02.2023 issued by the second respondent surrendering the lease deed dated 25.02.2014 entered between the petitioner and the second respondent on behalf of the third respondent.



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For Petitioner : Mr.K.Mahesh

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader for R1

Mr.C.Samivel
Senior Panel Counsel.
For R.2 and R.3

ORDER

Heard Mr.K.Mahesh, learned counsel for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader for the first respondent and Mr.C.Samivel, learned Senior Panel Counsel for the respondents 2 and 3.

2. The writ petition has been filed seeking for a Mandamus to direct the first respondent to register the surrender/cancellation of lease deed based on the letters dated 27.02.2023 and 28.02.2023 issued by the second respondent, surrendering the lease deed dated 25.02.2014 entered between the petitioner and the second respondent on behalf of the third respondent.



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3.The grievance of the petitioner is that the petitioner entered into a lease agreement with the second respondent on 25.02.2014 for the purpose of the third respondent office to function as Sub Post Office. The above lease commenced on 15.07.2013 and registered as document No.1960 of 2014 dated 25.02.2014. The above said lease period is over and the lease was also terminated between the petitioner and the respondents 2 and 3 and the third respondent handed over the possession to the petitioner on 09.10.2021 and the petitioner is in possession of the property.

4. While so, the petitioner approached the first respondent for registration of surrender of lease deed dated 25.02.2014 based on the letters furnished by the second respondent regarding surrender of lease and handing over of possession and the same has been refused by the first respondent on the ground that the second respondent failed to sign all the pages of the documents and also failed to furnish the letter seeking for exemption for personal appearance under Section 88(1) of the Registration Act vide refusal check slip dated 25.02.2023. After receipt of the same, when the petitioner approached the second respondent,



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requesting him to sign in all the pages of surrender of lease deed dated 25.02.2023 and letter for cancellation of lease deed, the second respondent refused to sign on the ground that there is no lease existing and the possession was already handed over on 09.10.2021, however, furnished letters dated 27.02.2023 and 28.02.2023 requesting the first respondent to register the surrender of lease entered between the petitioner and the second respondent.

5. Rule 11(i)(e) of the Registration Rules, 1908, provides that the Registration Office should maintain a file book containing communications received from officers of other departments intimating the cancellation, modification or rectification of transaction evidenced by papers previously filed. Likewise, the first respondent herein also cannot insist the second respondent herein to be present at the time of registration in view of the exemption granted under Section 88 of the Registration Act exempting the second respondent to appear in person at the registration office in connection with the registration.

6. In the light of the above observations and findings, the



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impugned refusal slip dated 25.02.2023, issued by the first respondent is quashed and the petitioner is granted liberty to present letters dated 27.02.2023 and 28.02.2023 before the first respondent herein as expeditiously as possible and on receipt of the same, the first respondent shall forthwith register the same as indicated in the present order, within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition stands allowed. No costs.

13.04.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
sr

To

1.The Sub Registrar,
Singanallur Sub Registrar Office,
Singanallur,
Coimbatore-641 111.

2.The Senior Superintendent of Post Office,
Coimbatore Division,
Coimbatore-641 001.



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M.S.RAMESH,J.

SR

3. The Sub Post Master,
Sinniyampalayam Sub Post Office,
Sinniyampalayam, Coimbatore-641 062.

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