



WEB COPY

W.P.No.20425 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20425 of 2023

1.Kannaiyan

2.K.P.Sakthivel

... Petitioners

Vs.

1.The District Registrar,
The District Registrar Office,
Tiruppur District.

2.The Joint 1 Sub-Registrar,
Joint 1 Sub-Registrar Office,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in refusal number RFL/Joint 1 Sub Registrar Tiruppur / 268/2022 dated 10.12.2022 and to quash the same as illegal, incompetent direct the second respondent to register the sale agreement dated 09.12.2022 in the light of the Circular No.22482/C1/2022 dated 02.02.2023.

For Petitioners

: Mr.M.Guruprasad

For Respondents

: Mr.D.Ravichander,
Special Government Pleader



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ORDER

The refusal check slip issued by the Sub Registrar is under challenge in the present writ petition.

2. The writ petitioners state that they are the agreement holders of the subject property as described in the present writ petition. The petitioners presented a sale agreement for registration. The Registering Authority returned the document on the ground that the petitioners have failed to furnish the original partition deed of the year 1961.

3. Learned counsel for the petitioners states that the original document of the year 1961 is not available with the petitioners and document is possessed by the brother of the vendor to the petitioners. In such circumstances, the Registering authority shall verify the certified copy of the document and proceeded with the registration. Learned counsel for the petitioners states that the petitioners are ready and willing to furnish the certified copy of the partition deed of the year 1961.

4. That being the submission made, the order impugned has to be set aside. Accordingly, the refusal check slip issued by the second respondent in



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refusal number RFL/Joint 1 Sub Registrar Tiruppur/268/2022 dated 10.12.2022 is quashed and the Registering Authority is directed to proceed with, if the document presented by the petitioners is otherwise in accordance with law. The said exercise is directed to be done within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition stands allowed. No costs.

18.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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- To
- 1.The District Registrar,
The District Registrar Office,
Tiruppur District.
 - 2.The Joint 1 Sub-Registrar,
Joint 1 Sub-Registrar Office,
Tiruppur District.



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S.M.SUBRAMANIAM, J.

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