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W.P.No.824 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2023

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THE HONOURABLE Mr. JUSTICE M.S.RAMESH

W.P.No.824 of 2022

P.Venkatachalam

.. Petitioner

Vs.

1.The Sub Registrar
Joint-II Sub Registrar Office
Krishnagiri District
2.Parasurama Goundar

3.R.Kumar

4.P.Saravanan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent dated 29.10.2021 in refusal order No.2/2021 and quash the same and consequently direct the 1st respondent to admit execution, register the sale agreement dated 22.09.2021 executed by the petitioner in favour of 3rd and 4th respondent herein and release the document after registration within the time to be stipulated by this Court.

For Petitioner	:	Mr.R.Bharath Kumar
For R1	:	Mr.Yogesh Kannadasan Special Government Pleader
For R2 to R4	:	No appearance



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ORDER

This petition has been filed to quash the refusal order No.2/2021 passed by the 1st respondent on 29.10.2021 and for a direction to the 1st respondent to register the sale agreement dated 22.09.2021.

2. Heard Mr.R.Bharath Kumar, learned counsel for the petitioner as well as Mr.Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the 1st respondent and perused the materials available on record.

3. Pointing out certain discrepancies in the boundaries of the subject property of the sale agreement dated 22.09.2021, the impugned Refusal Check Slip dated 29.10.2021 has been issued. According to the learned counsel for the petitioner, while the petitioner was in possession and enjoyment of the subject property, he had sold a portion of the land, owing to which, the boundaries of the remaining lands had changed and the same has been incorporated in the sale agreement, when he sought for selling the remaining portion of the land.

4. There is no power vested with the 1st respondent to refuse



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registration on the ground that the boundaries are not matching. Neither

Section 22-B of the Registration Act, 1908, nor any other provision in the Act facilitates for assigning such reasons. In the absence of such power, this Court is of the view that the 1st respondent had exceeded his power by passing the impugned Refusal Check Slip.

5. Accordingly, the impugned Check Slip dated 29.10.2021 is set aside. Consequently, there shall be a direction to the 1st respondent to forthwith receive the sale agreement dated 22.09.2021 executed by the petitioner and if it is otherwise in order, register the same within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is allowed. No costs.

20.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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M.S.RAMESH, J.



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To
The Sub Registrar
Joint-II Sub Registrar Office
Krishnagiri District

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