



WEB COPY

W.P.No.268



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26806 of 2023

K.Chidhambaram

... Petitioner

Vs.

1.The Inspector General of Registration,
Mandeiveli,
Chennai.

2.The Sub-Registrar,
Perundurai,
Erode District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in Refusal Number RFL/ Perundurai / 14 / 2023 dated 18.02.2023 on the file of the 2nd respondent and quash the same and by directing the 2nd respondent to register the sale deed in temporary number in TP / 143832407 / 2023.

For Petitioner

: Mr.A.Sundaravadhanan

For Respondents

: Mr.G.Krishna Raja,
Additional Government Pleader



WEB COPY

W.P.No.268



ORDER

The impugned Refusal Check Slip issued by the respondent in proceeding dated 18.02.2023 is under challenge in the present writ petition.

2. The petitioner states that the subject property in Survey No.46, Karumandichellipalayam Village, now Perundurai Taluk, Erode District was owned by one Gurunadha Murali, Natarajan and Arulswamy. One Mr.Kasiappa Gounder has filed and a Suit against three persons in O.S.No.1300 of 1970 on the file of the Principal District Court, Erode. The Suit decreed in favour of the plaintiff. Execution petition in E.P.No.1644 of 1972 was instituted, public auction was conducted and the petitioner was a successful bidder and paid auction price and subsequently the Sales Certificate was issued in his favour. The petitioner presented the Sales Certificate for registration. The respondent returned the document merely on the ground that there was a delay in presenting the Sales Certificate for registration.

3. The Sales Certificate issued by the Civil Court after presenting for registration need not be denied merely on the ground of delay. There is no provision under Registration Act to reject such Sales Certificate on the ground of



delay. Since there is no impediment for registering the Sales Certificate issued by the Court, the order impugned is not in consonance with the provisions of the Act.

4. Consequently, the impugned Refusal issued by the respondent in Refusal Number RFL/ Perundurai / 14 / 2023 dated 18.02.2023 is quashed and the respondent is directed to proceed with the process of registration and complete the same within a period of four (4) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs.

13.09.2023

veda/skr
Index : Yes
Speaking order

To

1.The Inspector General of Registration,
Mandeiveli,
Chennai.

2.The Sub-Registrar,
Perundurai, Erode District.



WEB COPY

W.P.No.268



S.M.SUBRAMANIAM, J.

veda/skr

W.P.No.26806 of 2023

13.09.2023