



WEB COPY

W.P. No.28544 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.28544 of 2023 and
W.M.P. Nos.28097 and 28098 of 2023

N.Karthikeyan

... Petitioner

Vs.

The Sub-Registrar
Officer of Sub Registrar
Gudiyattam, Vellore District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus to call for the records pertaining to impugned order passed by the respondent in Check Slip No.RFL/Gudiyattam/52/2023 dated 15.09.2023, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the sale deed dated 14.09.2023 presented by the petitioner, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arivazhagan
For Respondent : Mr. Yogesh Kannadasan
Spl. Government Pleader

**ORDER**

This Writ Petition is filed for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the respondent in Check Slip No.RFL/Gudiyattam/52/2023 dated 15.09.2023, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the sale deed dated 14.09.2023 presented by the petitioner, within a time frame as may be fixed by this Court.

2. The learned counsel for the petitioner submitted that the property of lands measuring an extent of 1.88 Acre 4.65 cents comprised in New Survey No.11/19A1A1A (Old Survey No.11), situated at Seevur Village, Gudiyattam Taluk, Vellore District, belongs to one K.Lakshmi, who had acquired the same by virtue of sale deed dated 26.02.2014, vide document No.1805/2014 on the file of the respondent and since then, she was in possession and enjoyment of the same without any interruption. The said K.Lakshmi died on 21.11.2022 leaving behind the petitioner's vendors (1) R.Karunakaran, (2) Nishwant (3) Suthishan and (4) Goutham as her legal heirs. The said R.Karunakaran is the husband of the deceased K.Lakshmi. The petitioner's above said vendors offered to sell the said property for a valuable sale



consideration and accordingly, the petitioner expressed his willingness to purchase the property for a valuable sale consideration of Rs.2,60,000/-.

Subsequently, the petitioner's vendor presented the sale deed for registration before the respondent herein who refused to register the sale deed for non production of previous registered original documents. Hence the present writ petition is filed.

3. The learned Special Government Pleader appearing for the respondent submitted that the Rule 51A(i) of the Registration Act was struck down by this Court vide W.P.No.2758 of 2023 dated 08.02.2023 in the case of Federal Bank Ltd., Vs. The Sub Registrar and 2 Others (reported in 2023 (2) CTC 289) and hence, the petitioner has to produce the certified copy of the previous registered original documents.

4. The learned counsel for the petitioner fairly conceded that they did not produce the certified copy the said document. However, he would submit that they are ready to produce same now.

5. The writ petitioner is directed to produce the certified copy of the previous registered original documents and the respondent is directed to



proceed the matter in accordance with law and dispose of the same within a reasonable time.

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6. With the above directions, the writ petition is disposed of at the admission stage itself. However, there shall be no order as to costs.

03.10.2023

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

The Sub-Registrar
Officer of Sub Registrar
Gudiyattam, Vellore District

W.P. No.28544 of 20





WEB COPY

W.P. No.28544 of 2023



P.VELMURUGAN. J.

ksa-2

W.P. No.28544 of 2023

03.10.2023