



W.P.No.29807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29807 of 2023
and
W.M.P.No.29414 of 2023

K.Gopi

... Petitioner

versus

- 1.The Sub-Registrar,
Office of the Sub-Registrar,
Cheyyur,
Chelgapattu District.
- 2.The Thasildar,
Chengalpattu,
Chengalpattu District.
- 3.The District Registrar (Admin),
Office of the District Registrar,
Chengalpattu,
Chengalpattu District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the Refusal Check Slip of Impugned Order in Refusal No. RFL/ Cheyyur/



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133/2023 dated 03.10.2023 on the file of the 1st respondent and quash the same and consequently direct the first respondent to register the pending Sale Deed Document No.P/Cheyyur/173/2022 dated 02.09.2022 of the petitioner within the time frame fixed by this Court.

For Petitioner : Mr.S.Arokia Mani Raj

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage, itself.

2. This Writ Petition has been filed seeking to quash the Refusal Check Slip vide Refusal No.RFL/Cheyyur/133/2023 dated 03.10.2023 on the file of the 1st respondent and consequently direct the first respondent to register the pending Sale Deed Document No.P/Cheyyur/173/2022 dated 02.09.2022.



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3. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents and perused the materials available on record.

4. According to the learned counsel for the petitioner, the petitioner presented a sale deed document for registration of the property admeasuring to an extent of 0.26 cents, situated at No.103, Koovathur Revenue Village, Koovathur Panchayat, Elathoor Panchayat Union, Cheyyur Taluk, Chengalpattu District in his name after paying all necessary fee including stamp duty, registration charges etc., However the first respondent refused to register the said sale deed document stating that the legal heirs of the vendor are not mentioned in the sale deed document. Hence, the petitioner filed the present writ petition in this Court on 09.10.2023.

5. The learned Government Advocate for respondents submitted that earlier the petitioner has filed a writ petition in this Court in W.P.No.21934 of 2022 seeking to quash the refusal check slip vide S.No.RFL, Cheyyur, Book No.2/16 dated 16.12.2022 and to direct the first respondent to register



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the pending sale deed Document No.P/Cheyyur/173/2022 dated 02.09.2022, in which the learned Hon'ble single Judge of this Court has passed an order dated 22.08.2023 dismissing the aforementioned writ petition with liberty to register the said document by including all the legal heirs, who all are entitled for the property or to approach the competent Civil Court of law for the purpose of establishing his right over the subject property. The learned Government Advocate further submitted that without complying the order dated 22.08.2023 made in W.P.No.21934 of 2022, the writ petitioner again presented the pending sale deed document for registration. Hence, the first respondent returned the document and issued a refusal check slip to comply the order dated 22.08.2023 made in W.P.No.21934 of 2022.

6. The learned counsel for the petitioner submitted that the writ petitioner preferred an appeal against the refusal order dated 16.12.2022 before the third respondent and after conducting enquiry, the third respondent passed an order directing the first respondent to review the refusal order as per the provisions of the Registration Act, 1908 as well as the circular of the Inspector General of Registration and rejected the



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objection filed in Appeal on 04.09.2023. The learned counsel for the writ petitioner further submitted that the first respondent sent a letter dated 05.09.2023 requesting the petitioner to resubmit the sale deed document along with a proof, to show as to, on what basis the vendor is entitled to such property based on the Encumbrance Certificate from the year 1930, Extract of 'A' Register from the Revenue Department and copy of the order passed in W.P.No.21934 of 2023, to consider the pending sale deed document for registration. Hence, the petitioner resubmitted the pending sale deed document for registration after complying the requirements stated in the letter of the first respondent. However, the first respondent returned the sale deed document and issued a refusal check slip stating that after complying the order of the Hon'ble High Court, Madras to represent the pending sale deed document for registration.

7. The learned counsel for the writ petitioner submitted that a relative of the vendor Mr.Jeyaraman produced a legal heir certificate to the first respondent and first respondent sent the legal heir certificate to the second respondent to verify the genuineness of the said legal heir certificate and the



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second respondent after verification found that the said legal heir certificate is fake and the same was communicated to the first respondent. Now, the grievance of the writ petitioner is that, even though the second respondent communicated to the first respondent that the legal heir certificate submitted is a fake one, the first respondent returned the pending sale deed document and issued a refusal check slip dated 03.10.2023 to comply the order dated 22.08.2023 made in W.P.No.21934 of 2022.

8. It is seen that the writ petitioner has filed an earlier writ petition in this Court in W.P.No.21934 of 2023 and vide order dated 22.08.2023, learned Hon'ble single Judge of this Court has dismissed the aforementioned writ petition by stating that the said sale deed document has to be registered after including all the legal heirs, who all are entitled for the property or to approach the competent Civil Court for the purpose of establishing his right over the subject property.

9. In view of the above facts and circumstances, this Writ Petition is dismissed with liberty to the writ petitioner to work out his remedy in the



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manner known to law. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

16.10.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No.

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To

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P.VELMURUGAN, J.

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