



W.P.(MD)No.1346 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1346 of 2022

S.Prabhu

... Petitioner

vs.

1.The District Registrar,
Registration Department,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram, Madurai.

2.The Sub Registrar,
Othakadai Sub Registrar Office,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the second respondent in RFL/Othakadai/4/2021, dated 22.07.2021 and to quash the same and consequently, to direct the respondents to register the sale deed presented by the petitioner in TP/103400314/2021, dated 22.07.2021 in respect of the house property constructed in Thakku No.4 comprised in Survey Nos.31/4, 31/5 and 37/3 situates in Mangalakudi Village, Madurai East Taluk, Madurai District within a time as stipulated



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by this Court.

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For Petitioner :Mr.P.Gunasekaran
For Respondents :Mr.M.Pramash
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the refusal check slip issued by the second respondent/Sub Registrar, Othakadai Sub Registrar Office, Madurai, in RFL/Othakadai/4/2021, dated 22.07.2021 and to direct the said Sub Registrar to register the sale deed presented by the petitioner in TP/103400314/2021, dated 22.07.2021 with respect to a house property at S.Nos.31/4, 31/5 and 37/3 at Mangalagudi, Madurai East Taluk, Madurai.

2.Heard Mr.P.Gunasekaran, learned Counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondents.



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3.The Writ Petitioner in his affidavit had stated that he had purchased the above plots by way of a registered sale deed, dated 27.06.2018. It had been re-classified as Thakur No-4. He wanted to put up plots and he wanted to sell the property to one Prem Kumar and had presented a sale deed on 22.07.2021 for registration.

4.The second respondent had refused to register the sale deed stating that there were objections from the Sivangai Samasthanam. The petitioner claims that he is the *bona fide* purchaser. The second respondent had issued a refusal check slip.

5.The learned Counsel for the petitioner stated that the Writ Petition filed by Sivagangai Samasthanam in W.P.(MD)No.16488 of 2020 [Sivagangai Samasthanam Devasthanam through its Devasthanam Manager, Sivaganai vs Inspector General of Registration, Chennai and others) had been dismissed by this Court by order, dated 23.11.2020.

6.The learned Additional Government Pleader however pointed out that the survey numbers which were the subject matter in the said Writ



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Petition are different and the subject matter for which the petitioner has presented the sale deed is different and therefore, the said judgment would not come to the rescue of the petitioner herein. It is for the petitioner to satisfy the Sub Registrar that the property, in which the document presented for registration, is not involved in any of the proceedings relating to Sivagangai Samasthanam.

7.The Sub Registrar may examine the entire records, examine the lands, which are covered in the Writ Petition, examine the previous titles of the petitioner, for which the petitioner had presented the sale deed and thereafter, come to a subjective satisfaction. He may also issue notice to the Sivagangai Samasthanam in this regard and get their objections, if any, for registration of the document. After going through the entire process and enquiry, a decision may be taken either to register the document or to refuse to register the document. Either way necessary reasons should be given by the second respondent.

8.The petitioner may re-present the document within a period of two weeks from the date of receipt of a copy of this order and thereafter,



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within a period of six weeks from that date, the second respondent may take a decision, after hearing the petitioner and after hearing the Sivagangai Samasthanam.

9.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

30.03.2023

cmr

To

1.The District Registrar,
Registration Department,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram, Madurai.

2.The Sub Registrar,
Othakadai Sub Registrar Office,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram, Madurai.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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