



W.P.(MD)No.1792 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No. 1792 of 2023

M.Narasimha Muruthy

... Petitioner

Vs

1.The Joint Sub-Registrar-II,
Palani, Dindigul District.

2.The Assistant Commissioner (CT),
Palani-I, Dindigul District.

(R2 is impleaded vide Court
order dated 03.02.2023)

... Respondents

Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal check slip issued by the respondent in Refusal Number. Refusal No.RFL/2 No.Joint Sub Registrar Palani / 1/2023 dated 10.01.2023 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 03.10.2022 executed in favour of the petitioner which was presented for registration on 10.01.2023



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For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the registering authority.

2.The petitioner is the purchaser of the petition mentioned land. When the document was presented for registration, the registering authority declined to entertain the same on the ground that the income tax department had effected attachment for the dues of the predecessor in title. To that effect, the impugned refusal check slip was issued. Challenging the same, this writ petition has been filed.

3. The petitioner clarifies that the Income Tax department has attached only 2 acres and 45 cents of land for the petition-mentioned survey numbers. The over all extent is 11 acres and 45 cents. The petitioner is purchasing two acres and 10 cents out of the non-attached portion.



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4. The first respondent is directed to conduct enquiry and verify if this submission of the petitioner is correct. If it turns out that only the unattached portion is purchased by the petitioner, then the registering authority shall receive the document, register it and release it, subject to the fulfilment of other usual formalities.

5. With this clarification, this writ petition is disposed of. No costs.

03.03.2023

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

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To

1. The Joint Sub-Registrar-II,
Palani, Dindigul District.
2. The Assistant Commissioner (CT),
Palani-I, Dindigul District.



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G.R.SWAMINATHAN, J.

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