



W.P.(MD) No.7741 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD) No.7741 of 2023

Ramathal

... Petitioner

VS.

The Joint Sub Registrar No.II,
Palani, Dindigul District.

... Respondent

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 sip issued by the respondent made in No.RFL/2 எண் இணை சார் பதிவாளர், பழனி/14/2023, dated 25.03.2023 and quash the same as illegal, consequently, direct the respondent to register the sale deed dated 17.03.2023 presented for registration on 25.03.2023 executed in favour of one Karthick S/o. Rengaraj in respect of the housing plot measuring to an extent of 45 sq.mtrs comprised in T.S.No.26/2 situated at Palani, Dindigul District within a time frame.

For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.M.Prakash
Additional Government Pleader



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ORDER

The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, seeking interference with a refusal check slip issued by the respondent in RFL/2, Sub Registrar, Palani/14/2023, dated 25.03.2023.

2.The petitioner had presented a sale deed for registration before the respondent. Her husband had earlier purchased a housing plot measuring 45 sq.mtrs in T.S.26/2 at Palani by a sale deed registered as Document No.584/1984. This was on 28.05.1984. Thereafter, the husband had also constructed a house. The husband of the petitioner died on 12.07.2016. The petitioner has also been diagnosed with cancer. To meet the financial requirements, the petitioner had taken a decision to sell the property to one Karthick S/o. Rengaraj. The petitioner had presented a sale deed for registration. The respondent had issued the refusal check slip directing the petitioner to produce the original sale deed. The original deed, namely, the deed, by which, the husband of the petitioner had purchased the property was registered as Document No.584/1984 in the very same Sub Registrar Office. If the Sub Registrar had any doubt regarding the *bona fide* of the said



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document, nothing prevented the Sub Registrar from examining the document already available with the Sub Registrar Office. It is seen that the sale is practically a distress sale consequent to the fact that the petitioner requires financial aid owing to being diagnosed as a Cancer.

3.It is also contended by the learned counsel for the petitioner that the petitioner is the only legal heir of her husband and there are no other legal heirs. The refusal check slip issued by the respondent can be stated to be an over reach of official powers vested with the respondent herein. The respondent could also have verified the document from their own office. The said refusal check slip is therefore, set aside and interfered with.

4.A direction is given to the petitioner to represent the sale deed after going through normal procedure, and when it is so represented, a direction is given to the respondent herein to register it, if it is otherwise in order with respect to the stamp duty payable and registration charges payable.



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

18.04.2023

Index : Yes / No

Internet : Yes / No

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To

The Joint Sub Registrar No.II,
Palani, Dindigul District.



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C.V.KARTHIKEYAN,J.

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