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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

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

W.P.(MD)No.9450 of 2023

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... Petitioner

vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Sub Registrar,
Sanarpatti Sub Registrar Office,
Sanarpatti, Dindigul District.

... 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 relating to the impugned Refusal Check Slip issued to the petitioner in No.RFL/Sanarpatti/4/2023, dated 16.02.2023 by the second respondent and to quash the same as illegal and consequently, to direct the second respondent to register the sale deed executed by the petitioner for a housing plot for an extent of 688 ½ sq.ft., comprised in S.No.244/4 situated at Emmakkalpuram, Dindigul East Taluk, Dindigul District.



For Petitioner :Mr.R.R.Kannan
For Respondents :Mr.C.Satheesh
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the refusal check slip in No.RFL/Sanarpatti/4/2023, dated 16.02.2023 by the second respondent, Sub Registrar, Sanarpatti Sub Registrar Office, Dindigul. The petitioner also seeks consequential direction to the second respondent to register the sale deed executed by the petitioner for housing plot measuring 688½ sq.ft in S.No.244/4 at Emmakkalpuram, Dindigul East Taluk, Dindigul District.

2.Heard Mr.R.R.Kannan, learned Counsel for the petitioner and Mr.C.Satheesh, learned Government Advocate for the respondents.

3.The petitioner, a widow, had participated in a public auction conducted by the Principal District Munsif at Dindigul consequent to order passed in E.P.No.37 of 2012 in O.S.No.1525 of 2004 and was



declared as the successful auction purchaser in an auction conducted on 25.10.2017. A sale certificate engrossed in non judicial stamp paper had also been executed by the learned Principal District Munsif at Dindigul on 30.01.2018. The husband of the petitioner died on 21.02.2018. The petitioner was not aware about the registration of the sale certificate. Now owing to various circumstances, she had to convey the land. When this sale deed was presented, it was refused to be registered by the second respondent holding that the sale certificate had not been registered.

4.The learned Counsel for the petitioner drew the attention of this Court to Section 17 of the Registration Act, which relates to documents of which registration is compulsory Sub clause (2) of Section 17 relates to those documents for which compulsory registration is not required. A further sub clause (xii) of sub clause (2) of Section 17 of the Registration Act, 1908, is as follows:

“(xii)any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer”



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5.The petitioner had also purchased the property through public auction and the learned Counsel for the petitioner insisted that mere non registration of the sale certificate cannot held against the petitioner herein.

6.The title of the petitioner cannot be questioned. The fact that the petitioner had purchased the property through public auction and that such sale has been confirmed by the Court, namely, the Principal District Munsif Court at Dindigul cannot be questioned or denied or disputed. The fact that the Principal District Munsif Court, Dindigul had executed a sale certificate in non judicial stamp paper again cannot be denied or disputed.

7.When these facts stand out and the provision of law is clear, I hold that the refusal check slip issued by the second respondent necessarily has to be interfered with and the same is set aside. The petitioner is directed to once again present the sale deed for registration after following due procedure and if it is presented and if it is otherwise in order with respect to stamp duty and registration charges, a direction is



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given to the second respondent to register the sale deed. The entire exercise must be completed within a period of two weeks from the date of presentation of the said sale deed.

8.The Writ Petition stands allowed. No costs.

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

14.06.2023

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To

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Sub Registrar,
Sanarpatti Sub Registrar Office,
Sanarpatti, Dindigul District.



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C.V.KARTHIKEYAN, J.

cmr

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W.P.(MD)No.9450 of 2023

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