



W.P(MD)No.13785 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13785 of 2023

P.R.Duraipandi

... Petitioner

Vs.

The State through
Joint Sub Registrar No.II,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records connected to refusal check slip and order passed by the respondent in RFL2/2023, dated 05.06.2023 refusing to register the sale deed presented by the petitioner and quash the same consequently directing the respondent to register the document .



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For Petitioner : Mr.S.Malaikani

For Respondent : Mr.M.Prakash,

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 respondent /Joint Sub Registrar No.II, Karaikudi, Sivagangai District, in RFL2/2023, dated 05.06.2023 refusing to register a sale deed presented by the petitioner herein.

2. In the affidavit filed in support of the writ petition, it had been stated that as per revenue records, the lands to an extent of 0.20.50 Ares in Old Survey No.1/1A1B1A2A1A1A1A and New Natham Survey No.62/6, belong to one Nelliyan. He had executed a sale deed to one Dhanalakshmi with respect to part of the land. With respect to the remainder of the land, a power of attorney was given to the petitioner. It



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was also registered. The petitioner presented a sale deed with respect to that part of the land namely, 40 cents. But this sale deed was refused to be registered.

3. In the order justifying refusal, it had been stated that in accordance with the circular of the Inspector General of Registration, bearing No.41530/U1/ 2017, dated 08.11.2017, an appeal provision is available under Section 68(2) of the Indian Registration Act. The petitioner may very well file necessary appeal questioning the reasons given in the refusal check slip and the writ petition cannot be treated a parallel proceeding available particularly, when an effective alternate remedy is available.

4. The learned Additional Government Pleader also pointed out that the above facts and stated that the petitioner has to file a regular appeal under Section 68(2) of the said Act.

5. The Writ Petition stands dismissed. Liberty is granted to the petitioner herein to file necessary appeal before the concerned



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District Registrar. If the period of appeal has expired, the petitioner may present the appeal on or before **30.06.2023** and if it is so presented, the issue of limitation may not be put against the petitioner herein. No costs.

13.06.2023

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

RM

To

The Joint Sub Registrar No.II,
Karaikudi,
Sivagangai District.



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C.V.KARTHIKEYAN, J.

RM

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