



W.P.(MD)No.16897 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16897 of 2020

and

W.M.P.(MD)Nos.14119 and 14120 of 2020

A.Subramanian

... Petitioner

vs.

1.The Tahsildar,
Karaikudi, Sivagangai District.

2.The Joint II Sub Registrar,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.57-19/2019 dated 27.09.2019 and quash the same as illegal and consequentially to direct the 2nd respondent to register the deposit of title deed (pledging deed) to be presented by the petitioner within the period that may be stipulated by this Court.

For Petitioner :Mr.H.Imran Khan
for M/s.Ajmal Associates

For Respondents :Mr.R.Ragavendran
Government Advocate



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ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent dated 27.09.2019 and for a consequential direction to the second respondent to register the document presented by the petitioner.

2.Heard Mr.H.Imran Khan, learned Counsel appearing on behalf of the petitioner and Mr.R.Ragavendran, learned Government Advocate appearing on behalf of the respondents.

3.The petitioner purchased the subject property by way of a registered sale deed, dated 09.05.2003, registered as Doc.No.1473 of 2003. Thereafter, the revenue record was also mutated and it was entered in the name of the petitioner. The petitioner wanted to avail a bank loan and approached the concerned bank, who insisted for a security. Hence, the petitioner wanted to deposit the title deed and accordingly, a mortgage deed had been executed and presented for registration before the second respondent. The second respondent on receipt of the same refused to entertain the document through the impugned proceedings,



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dated 27.09.2019 on the ground that S.No.138/1 has been identified as Boodhan land. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4.The issue involved in this Writ Petition is no longer *res integra*. For the very same subject property, on an earlier occasion, the Sub Registrar had refused to register the document on the very same ground. This was considered by this Court in ***W.P.(MD)No.12483 of 2016*** in ***K.Guruchandran vs the Inspector General of Registration and others***. While passing an order on 25.07.2016, this Court considered the entire facts of the case and held that refusal to register the document is unsustainable and accordingly, a direction was given by this Court to register the document. Pursuant to this order, the same was acted upon and the document was registered. While passing that order, this Court had taken into account the entire background facts of the case and the earlier suit that was filed and it was found that the property had already lost its status as Boodhan land and that therefore, the registration authority cannot refuse to register the document on the basis of some earlier entries made in this regard.



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5.In view of the above, the impugned proceedings of the second respondent in Na.Ka.No.57-19/2019, dated 27.09.2019, is hereby quashed and there shall be a direction to the second respondent to entertain the document and register the same, if the petitioner satisfies all other requirements.

6.In the result, this Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

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

14.12.2023

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1.The Tahsildar,
Karaikudi, Sivagangai District.

2.The Joint II Sub Registrar,
Karaikudi, Sivagangai District.



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N.ANAND VENKATESH, J.

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