



WP(MD)No.18158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18158 of 2023
and
WMP(MD)No.15139 of 2023

A.Manikandan

.. Petitioner

v.

The Sub Registrar,
Thillai Nagar,
Trichy.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/Uraiyur/9/2023 and quash the same and consequently, directing the respondent to register the sale deed dated 17.07.2023 executed by one Muthukani in favour of the petitioner.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.M.Sarangan,
Additional Government Pleader



WP(MD)No.18158 of 2023

WEB COPY

ORDER

The petitioner has submitted a sale deed dated 17.07.2023 for registration before the respondent / Sub Registrar. The Tamil Nadu Housing Board Co-operative Society Ltd has raised an objection and based on the same, the respondent refused to register the document and issued the refusal check slip. Aggrieved over the same, the petitioner has moved this Court.

2.It appears that the Co-operative Society has made an objection that the subject property belong to them. Section 22A of the Registration Act deals with refusal to register a document in such a scenario and the same is extracted as under:-

“22-A. Refusal to register certain documents .—

Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:—

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

(i) belonging to the State Government or the local authority



or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958; or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995, unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.”



WP(MD)No.18158 of 2023

3. Even assuming that the subject property belong to Tamil Nadu Housing Co-operative Society Ltd., as claimed by them, the Sub Registrar cannot invoke the provision u/s.22A of the Registration Act to refuse to register the document, in the absence of any Court order.

4. Therefore, this writ petition is allowed with a direction to the respondent to register the document, if it is otherwise in order. If the Co-operative Society is having any grievance, they can establish their rights before the competent civil forum. No costs. Connected miscellaneous petition is also closed.

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

05.09.2023

To

The Sub Registrar,
Thillai Nagar,
Trichy.



WEB COPY



WP(MD)No.18158 of 2023

B.PUGALENDHI, J.

gk

WP(MD)No.18158 of 2023

05.09.2023