



W.P.(MD)Nos.21687 of 2022 and 1495 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.03.2023

CORAM

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

W.P.(MD)Nos.21687 of 2022 and 1495 of 2023

and

W.M.P.(MD)Nos.15829 and 15831 of 2022 and 1362 and 1364 of 2023

W.P.(MD)No.21687 of 2022:-

S.Rajagopalan

... Petitioner

vs.

1.The District Registrar,
Periyakulam, Theni District.

2.The Sub Registrar,
Office of the Sub Registrar,
Bodinayakkanur Post, Theni 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 in pursuant to the impugned order passed by the second respondent in Registration Refusal Check Slip in Refusal Number:RFL/Bodinayakkanur/14/2022, dated 17.08.2022 and to quash the same and consequently, to direct the second respondent to register the sale deed presented by the petitioner in respect of the house plot property situated in S.No.572/3 and 572/5 Rasingapuram Village, Bodinayakkanur



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Taluk, Theni District.

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For Petitioner :Mr.M.Sarvanakumar
For Respondent :Mr. M.Prakash
Additional Government Pleader

W.P.(MD)No.1495 of 2023:-

S.Akkiniraj ... Petitioner

vs.

1.The District Registrar,
Periyakulam, Theni District.

2.The Sub Registrar,
Office of the Sub Registrar,
Bodinayakkanur Post, Theni 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 in pursuant to the impugned order passed by the second respondent in Registration Refusal Check Slip in Refusal Number:RFL/Bodinayakkanur/1/2023, dated 18.01.2023 and to quash the same and consequently, to direct the second respondent to register the sale deed presented by the petitioner in respect of the house plot property situated in S.Nos.569/10, 11, 13A, 13B, 13C, 4B, 570/5, 6A, 6B, 7, 572/1, 2, 3, 4, 5, 9, 573/3, 4, 5, 6A, 8, 10, 11, 12A, 12B and 575/3 Rasingapuram Village, Bodinayakkanur Taluk, Theni District.



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For Petitioner :Mr.M.Sarvanakumar
For Respondent :Mr. M.Prakash
Additional Government Pleader

COMMON ORDER

Since the issue raised in both the Writ Petitions are the same and arguments also over lapsed, a common order is passed.

2.Heard Mr.M.Saravanakumar, learned Counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondents.

3.As a test case, let me take the case in W.P.(MD)No.21687 of 2022. The Writ Petition had been filed in the nature of Writ of Certiorarified Mandamus seeking interference with the refusal check slip issued by the second respondent/Sub Registrar, Bodinayakkanur, Theni District.

4.The petitioner has presented a sale deed in respect of house plot property in S.No.572/3 and 572/5 Rasingapuram Village,



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Bodinayakkanur Taluk, Theni District. The second respondent had issued a refusal check slip, when the said sale deed was presented on the ground that a Title Suit No.72 of 2018 is pending before the Sub Court at Vaishali in Bihar.

5.The learned Counsel for the petitioner, however, stated that the said suit had been decreed consequent to a compromise being effected between the parties and in this regard, he had also presented the case status, as stated in the website. It is seen that the said suit had been dismissed by judgment, dated 19.02.2020. It is the specific case of the learned Counsel for the petitioner that this issue was put in test by the second respondent and a legal opinion was obtained from the office of the Government Pleader. An opinion was also issued that registration can be done. It is also the specific case of the petitioner that subsequent sale deeds have been registered, but when there was a change of the Sub Registrar, the incumbent officer had issued the refusal check slip. It is also contended that plots have been laid out and approval had been granted.



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6.The learned Additional Government Pleader, however, stated that since the suit is pending, it would only be appropriate that necessary enquiries are made by the Sub Registrar, as it directly affects right of title of the petitioners, who present the sale deed for registration.

7.Having considered the arguments advanced, I am of the opinion that the second respondent should proceed further to register the document. As seen from the records, which are produced, the suit had been dismissed under Order IX Rule 8 CPC by judgment dated 19.02.2020. An opinion by the Government Pleader had also been obtained.

8.The second respondent may examine whether the document presented is adequately stamped and the registration charges are also paid. The petitioner may re-present the sale deed within a period of two weeks after obtaining necessary permission through online and on such re-presentation, within a period of ten working days, the second respondent, if the document is otherwise in order, proceed further to register the same.



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9.The facts in the other Writ Petition, namely, W.P.(MD)No.1495 of 2023 are also the same. The petitioner had also questioned the refusal check slip on the very same ground and relating to the same plots under the same lay out. Hence, a direction is, therefore, given that the petitioner therein also should re-present the document after getting necessary appointment through online and thereafter, when it is re-presented, within a period of ten working days, if the document is otherwise in order, the second respondent therein should also register the same.

10.The Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

21.03.2023

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- To
- 1.The District Registrar,
Periyakulam, Theni District.
 - 2.The Sub Registrar,
Office of the Sub Registrar,
Bodinayakkanur Post, Theni District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)Nos.21687 of 2022 and 1495 of 2023

21.03.2023