



WP(MD)No.20844 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20844 of 2023

N.Nataraj Annamalai

... Petitioner

v.

1.The Sub Registrar,
Tamil Nadu Registration Department,
Thirumayam Post and Taluk,
Pudukottai District.

2.Pothuvalli

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the first respondent to register the sale deed dated 16.09.2022 executed by the petitioner in favour of the second respondent under the provisions of the Registration Act and Rules.

For Petitioner : Mr.S.Vedachalam

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1



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ORDER

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2.Learned Counsel for the petitioner, by referring the judgment of this Court in ***K.S.Vijayendran v. Inspector General of Registration and Another*** [2011-2-LW-648], submitted that the Registrar cannot refuse to register the document.

3.Learned Special Government Pleader, on instructions, submitted that the petitioner has already submitted a document dated 20.01.2023 for registration and it was refused by the Sub Registrar by making an endorsement that the land sought to be registered is a water body. Without challenging the same, the petitioner has moved this writ petition for a mandamus and therefore, it is liable to be dismissed.



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4.This Court considered the rival submissions made on either side.

5.The relief sought for in this writ petition is for a mandamus directing the first respondent / Sub Registrar to register the document. But it appears that the Sub Registrar has already passed an order refusing to register the document stating that the land sought to be registered is classified as a water body. This decision appears to have been taken based on the 'A' Register.

6.Therefore, this writ petition is dismissed. It is always open to the petitioner to challenge the refusal check slip in the manner known to law, after ascertaining the revenue records with regard to the classification of the land. No costs.

Index : Yes / No
NCC : Yes / No
gk

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B.PUGALENDHI, J.

gk

To

The Sub Registrar,
Tamil Nadu Registration Department,
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