



W.P.(MD) No.23300 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23300 of 2021

R.Karthikeyan

.. Petitioner

Vs.

1.The Joint Sub Registrar No.1,
Karaikudi,
Sivagangai District.

2.B.Ravindran

.. Respondents

*[R2 – impleaded vide order dated 28.10.2022 in W.M.P.
(MD) No.516 of 2022 in W.P.(MD) No.23300 of 2021]*

*[R2 – amended vide order dated 15.06.2023 in W.M.P.
(MD) No.751 of 2023 in W.P.(MD) No.23300 of 2021]*

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records in pursuance to the impugned refusal slip of the respondent RFL/1 No.8/2021, dated 21.12.2021 and quash the same and also directing the respondent to register the petitioner's sale deed dated 21.12.2021 without insisting the production of original documents.



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For Petitioner : Mr.S.J.Chakkkaravarthy
For R1 : Mr.T.Amjadkhan
Government Advocate

ORDER

Challenging the refusal check slip issued by the first respondent, the petitioner is before this Court by way of this writ petition to quash the impugned order and to direct the first respondent to register the petitioner's sale deed without insisting upon the production of original documents.

2. The petitioner would submit that his father and he had jointly purchased the property in question under a sale deed dated 02.11.2011. The petitioner would submit that since he had married according to his choice without the consent of his father in the year 2015, dispute arose between him and his father. His mother Jamuna died even before his marriage on 25.06.2007. The petitioner would submit that he had gone



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through severe financial crisis and though he had requested his father to agree to sell the property, as this was the only source of income, his father refused to give the property.

3. The petitioner would further submit that other than this property, his father has other properties as well. On account of his urgent need for money, the petitioner was constrained to sell his undivided share in the property to one B.Kannan. Since his father was not cooperating in handing over the original documents, he has presented the sale deed with the certified copy of the parent document. However, the first respondent has returned the document stating that the original document has to be produced. Hence, the writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent. The petitioner's father impleaded himself as the second respondent and he is also represented by counsel.



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5. The very return appears to be absurd. The sale deed standing in the name of the petitioner would clearly show that he and his father are joint owners of the property and there are no other impediment in the form of a Court order or otherwise prohibiting the sale. In these circumstances, the first respondent had committed an error in refusing to register the sale deed. Thus, this Writ Petition is allowed and the impugned order is set aside. The first respondent is directed to register the sale deed within a period of four weeks from the date of receipt of a copy of this order. No costs.

15.06.2023

(2/2)

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The Joint Sub Registrar No.1,
Karaikudi,
Sivagangai District.



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P.T.ASHA, J.

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