



W.P(MD)No.28142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28142 of 2023

Imthiyaz Ahamed

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai-28.

2.The District Registrar,
O/o. District Registrar,
Registration Department,
Thanjavur,
Thanjavur District.

3.The Sub Registrar,
O/o. The District Registrar,
Registration Department,
Ayyampettai,
Thanjavur District.

4.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip in Refusal Number



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RFL/Ayyampettai/78/2023 passed by the 3rd respondent dated 03.10.2023 and quash the same as illegal, consequently, directing the respondent to register the Sale Deed dated 31.04.2023 presented by the Petitioner.

For Petitioner : Mr.A.Abdulkabur
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner wants to purchase the petition mentioned property from one Amul Raj. The said Amul Raj had in turn purchased the property from one Shalavudheen vide sale deed dated 05.05.2009 (Document No.1321/2009) on the file of the third respondent. When the sale deed executed by Amul Raj in favour of the petitioner was presented for registration, the third respondent declined to register the same and issued the impugned refusal check slip. The registering authority had cited the communication received from the Revenue Divisional Officer, Kumbakonam for not being able to register the document.

3. When a similarly placed individual filed W.P.(MD)No.1062 of 2022, it was disposed of by me on 30.10.2023 in the following terms:-

“4. It is seen that the first item of the sale deed dated 18.04.2023 was purchased by the petitioner's vendor from one M.Ali Akbar vide registered sale deed dated 01.02.2001 (Document No.50 of 2001). The second item was purchased by the petitioner's vendor vide sale deed dated 29.11.2006 (Document No.101 of



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2006) from one Anwar Basha and Kamal Basha. It is stated that the names of the petitioner's vendor's vendor figured in the revenue record. The petitioner's vendor's name is also figuring in the revenue record. The only difficulty appears to be that it is a joint patta and not an individual patta.

5. When transactions in respect of the subject properties were allowed to be registered, it may not be open to the registering authority to now raise an objection based on the communication received from the jurisdictional Revenue Divisional Officer. The petitioner is permitted to re-present the sale deed in question. The registering authority will verify if the properties covered in the sale deed were the subject matter of registered sale transactions earlier. The registering authority will further verify if the petitioner's vendor's vendor's name figured in the revenue record. On being satisfied, the third respondent will register the sale deed subject to the fulfillment of the other usual formalities. I make it clear that once a document is registered, the name of the petitioner's vendor will be deleted from the patta and in his place, the name of the petitioner will be entered. The petitioner cannot have any higher right or claim than his vendor.”

4. I am inclined to adopt the very same approach in the present case also.

The petitioner is permitted to re-present the sale deed in question. It is not in dispute that the property covered in the sale deed was the subject matter of a registered transaction earlier. The registering authority will verify if Shalavudheen's name figured in the revenue record. The registering authority will further find out if Shalavudheen had executed any other sale deed apart from the one in favour of Amul Raj. If there is no other document executed by Shalavudheen, the registrar will register the present petition mentioned sale deed subject to the fulfillment of the other usual formalities. But then, consequence of such registration will be deletion of Shalavudheen's name from the revenue record and substitution of the petitioner's name. Therefore, Amul



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Raj as well as Shalavudheen will have to be associated during enquiry. Specific notice will be issued to Shalavudheen. The entire exercise shall be completed by the third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

29.11.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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