



WEB COPY



W.P. No.3500 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3500 of 2024

and

W.M.P.No.3755 of 2024

C.Dhandapani

... Petitioner

Vs.

1.Joint II Sub-Registrar,
Tirupattur,
Tirupattur District.

2.Viswanathan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to RLF/2 Joint Sub Registrar Tirupattur/76/2023 dated 24.08.2023 issued by the 1st respondent and quash the same and direct the 1st respondent to register the sale agreement dated 24.08.2023.

For Petitioner : Mr. R. Subramanian

For Respondents : Mr. U. Baranidharan,
Additional Government Pleader (for R1)
: No Appearance (for R2)



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ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to RLF/2 Joint Sub Registrar Tirupattur/76/2023 dated 24.08.2023 issued by the 1st respondent and quash the same and direct the 1st respondent to register the sale agreement dated 24.08.2023.

2. The learned counsel for the petitioner submitted that the 2nd respondent agreed to sell his property to the petitioner and they entered into a sale agreement. Thereafter, they presented the sale agreement before the 1st respondent for registration on 24.08.2023. But the 1st respondent refused to register the same and issued the refusal check slip stating that as per Rule 55A of the Registration Rules, parent document and Encumbrance Certificate have not been enclosed. The contention of the petitioner is that already all the original parent documents were marked in O.S.No.43/2000 on the file of the District Munsif Court, Tirupattur which



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suit is now pending before this Court in S.A.No.1091 and 1092 of 2012 which has been filed by one C.P.Jothi Bai contending that she is a tenant of the suit property and she should not be evicted except by due process of law. Therefore, they obtained a certified copy and produced before the Sub Registrar for verification. Even then, the 1st respondent refused to register the document. Therefore, the present Writ Petition is filed.

3. Though notice was served and name is printed in the cause list, none appeared on behalf of the 2nd respondent.

4. A perusal of the refusal check slip shows that except the production of original parent document, no other defect has been pointed out. It is seen that since all the original documents are with the Court in the pending Second Appeal, the petitioner has obtained certified copy of the same from the Court. Therefore, there will not be any impediment for the 1st respondent to verify the certified copy and register the document produced by the petitioner.



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5. Under these circumstances, the impugned refusal check slip issued by the 1st respondent is quashed.

6. The 1st respondent is directed to receive the certified copy of the parent document and verify the same and after verification, if the document presented by the petitioner is otherwise in order and there is no other legal impediment, register the document.

7. Accordingly, this Writ Petition is allowed. No cost.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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To

The Joint II Sub-Registrar,
Tirupattur, Tirupattur District.



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P.VELMURUGAN. J.

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