



WEB COPY

W.P.No.10230 of 2024
and W.M.P.No.11282 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10230 of 2024
and W.M.P.No.11282 of 2024

1.A.Kumar
2.K.Karthik
3.K.Pavithra
Rep. by their Power Agents,
G.Subramani,
S/o.Govindasamy,
No.1/167, Kovalam Road,
Kelambakkam - 603 103,
Thiruporur Taluk,
Chengalpattu District.

N.Elumalai,
S/o.Govindasamy,
No.3/373, Bajanai Kovil Street,
Kelambakkam - 603 103,
Thiruporur Taluk,
Chengalpattu District.

P.Venkatesan,
S/o.Perumal,
No.3/284, Gangai Amman Kovil Street,
Kelambakkam - 603 103,
Thiruporur Taluk,
Chengalpattu District.

...

Petitioners

versus



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1.The Inspector General of Registration,
Registration Department,
Santhome, Chennai - 600 004.

2.The District Registrar,
Registration Department,
Chengalpattu, Chengalpattu District.

3.The Sub-Registrar,
Thiruporur Sub-Registrar Office,
Thiruporur, Chengalpattu District.

4.Jakkammal ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Slip dated 30.11.2023 in Refusal Slip No.RFL/Thiruporur/26/2023, issued by the 3rd respondent and quash the same; and consequently direct the 3rd respondent to register the Sale Deed of the petitioner dated 28.11.2023 in respect of his property in Survey No.87/1G, bearing Patta No.4194, measuring to an extent of 1137 Sq.ft., Plot No.2, situated at Padur Village, Thiruporur Taluk, Chengalpattu District.

For Petitioners : Mr.M.R.Jothimanian

For Respondent Nos.1 to 3 : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

By consent, the Writ Petition is taken up for final disposal at the admission stage itself

2. This Writ Petition has been filed challenging the impugned Refusal Slip dated 30.11.2023 issued by the third respondent and also to direct him to register the Sale Deed dated 28.11.2023.

3. The grievance of the petitioners is that, after the demise of their grandfather, they have been in possession and enjoyment of the property in Survey No.87/1G, bearing Patta No.4194, measuring to an extent of 1137sq.ft., Plot No.2, situated at Padur Village, Thiruporur Taluk, Chengalpattu District and they decided to sell the same. But the fourth respondent claiming right over the property based on the forged legal heir certificate. Hence, the registering authority rejected the document on the ground of the objection raised by the fourth respondent. Challenging the same, the present Writ Petition has been filed.



4. Heard Mr.M.R.Jothimanian, learned counsel appearing for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

5. When there is no substantial power for the registering authority to reject the document merely because some third party claims right over the said property, that cannot be a reason to refuse to register the document.

6. In such view of the matter, there shall be a direction to the third respondent to register the Sale Deed dated 28.11.2023 of the petitioners, within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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- 1.The Inspector General of Registration,
Registration Department,
Santhome, Chennai - 600 004.
- 2.The District Registrar,
Registration Department,
Chengalpattu, Chengalpattu District.
- 3.The Sub-Registrar,
Thiruporur Sub-Registrar Office,
Thiruporur, Chengalpattu District.



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N.SATHISH KUMAR, J.

sri

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