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W.P.No.8812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.8812 of 2023

and

W.M.P.No.8987 of 2023

Senthilkumar

... Petitioner

Vs.

1.The District Registrar
Erode District.

2.The Sub Registrar
Chennimalai SRO, Erode District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip dated 23.12.2022 made in RFL / Chennimalai / 52 / 2022 passed by the 2nd respondent quash the same and consequently direct the 2nd respondent to entertain, register and release the sale deed dated on 23.12.2022 to be presented before the 2nd respondent within time frame fixed by this Honorable Court.



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For Petitioner : M/s.R.Prabakar

For Respondents : M/s.P.Harish, Govt. Advocate
for respondents 1 & 2.

ORDER

Aggrieved by the refusal on the part of the 2nd respondent to register the release deed dated 23.12.2022 on the ground that an attachment entry was reflected in the encumbrance certificate, the petitioner is before this Court.

2. The petitioner had purchased the subject property under a registered sale deed dated 23.12.2022 from one Lakshmanan and his brother by virtue of a sale deed registered as document no.160/1955, on the file of the 2nd respondent. The Sale Deed dated 23.12.2022 when presented for registration before the 2nd respondent herein, was returned with a refusal check slip stating that an attachment entry was reflected in the encumbrance certificate. Therefore the petitioner is before this Court.

3. Heard the counsels on either side and perused the records.



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4. A perusal of the records would indicate that the entry that is the reason for refusal to register the sale deed is an attachment which has made for a period of 2 months from 10.09.1993 thereafter it has not been extended. Therefore, there is no valid attachment. That apart, the records relating to the suit has been destroyed and the execution petition was dismissed since no steps have been taken. Therefore, the ground on which the registration has been refused is no longer in existence.

5. Accordingly, the Writ Petition is allowed. The impugned refusal check slip dated 23.12.2022 is quashed. The 2nd respondent is directed to register and release the sale deed dated 23.12.2022 within a period of 2 weeks from the date of its representation by the petitioner. No costs. Consequently, the connected Miscellaneous Petition is closed.

26.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

1.The District Registrar
Erode District.

2.The Sub Registrar
Chennimalai SRO, Erode District.



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P.T. ASHA. J.,

(shr)

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