



WEB COPY



WP.No.5807 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.5807 of 2022

1.N.Loganathan
2.R.Padmini
3.N.Ramasamy
4.N.Kalyanakumar

.. Petitioners

Versus

The Sub - Registrar
Office of the Sub Registrar
Cheyyur, Cheyyur Taluk
Chengalpattu District

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order dated 25.11.2021 bearing refusal No.RFL/Cheyyur/126/2021 passed by the respondent, quash the same and to direct the respondent to receive, register and release the Agreement for Sale dated 25.11.2021 presented by the Petitioners.

For Petitioners : Mr.R.Murali

For Respondent : Mr.J.Ravindran, AAG
assisted by Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenge has been made as against the refusal checkslip dated

25.11.2021 issued by the respondent in refusing to register the Agreement for



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Sale dated 25.11.2021.

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2. Heard both sides and perused the materials placed on record.
3. By consent of both parties, this writ petition is taken up for final disposal.
4. It is relevant to note that in respect of the same survey numbers, document has been registered just prior to the agreement for sale without any demur. Now, the agreement is sought to be registered and the same was refused to be registered on the ground that the property referred in the agreement is already dealt in various other sale deeds. Whereas, the learned counsel for the petitioner submitted that a large extent is owned by several persons, other persons have already dealt with the document which has been referred in the communication sent by the respondent. Whereas, remaining property is still available which is only sought to be conveyed by entering an agreement.
5. At any event, even assuming that the property is subject matter of the property already conveyed as stated by the respondent, it is not their concern. It is only the concern of the purchaser who entered into such agreement.



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Therefore, when the document is presented, it is not the duty of the registering authorities go into the title. Such view of the matter, the registering authorities cannot refuse to register the document.

6. Accordingly, the impugned refusal checkslip dated 25.11.2021 stands quashed and the respondent is directed to register the Agreement for Sale dated 25.11.2021 and release the same within a period of ten days from the date of receipt of a copy of this Order.

7. In view of the above, this writ petition stands allowed. No costs.

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dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

The Sub - Registrar
Office of the Sub Registrar
Cheyyur, Cheyyur Taluk
Chengalpattu District



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N. SATHISH KUMAR, J.

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