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W.P.No.5993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.5993 of 2024

C.Rajendran

..... Petitioner

-Versus-

The Sub Registrar,
Office of the Sub Registrar,
Kaveripattinam,
Krishnagiri.

..... Respondent

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records leading to the impugned refusal check slip No.RFL/Kaveripattinam/77/2023 dated 16.08.2023 issued by the respondent and to quash the same and for a consequential direction tot he respondent to register the settlement deed dated 16.08.2023 presented by the petitioner for registration and return the registered deed of settlement.

For Petitioner : Mr.C.Jagadish

*For Respondent : Mr.L.S.M.Hasan Fizal,
Additional Government
Pleader*



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ORDER

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Challenge in this writ petition is to the refusal check slip dated 16.08.2023 vide Refusal Check Slip No.RFL/Kaveripattinam/77/2023 issued by the respondent refusing to register the settlement deed presented by the petitioner on 16.09.2023 for registration.

2. The grievance of the petitioner is that he executed settlement deed on 16.09.2023 in favour of his son and when it was presented for registration before the respondent, it was refused to be registered by the 2nd respondent on the ground that agreements of sale already entered into by the petitioner in respect of the subject property are in subsistence.

3. Head both sides.

4. The issue is no longer *res integra*. Mere agreement of sale does not create any right or charge over the immovable property though it is registered and there will not be any bar for registration of a further document, lawfully presented for registration by the owner of the property. Except as provided in the Registration Act and any other statute, the Registrar has no power to refuse to register a document. This court has been consistently giving a direction to the registering authority not to refuse to register the document unless such documents come under the category enumerated under Section 22-A and 22-B



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of the Registration Act.

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5. In such view of the matter, mere subsistence of the agreement of sale entered into by the petitioner with regard to an immovable property does not create any right or charge over the subject property in favour of the agreement holder and as such the ground upon which the registering authority has refused to register the settlement deed presented by the petitioner for registration cannot be sustained in the eye of law. Therefore, the impugned refusal check slip is liable to be set aside and the writ petition succeeds accordingly.

In the result, the writ petition is allowed. The impugned refusal check slip issued by the respondent is set aside and the respondent is directed to register the settlement deed presented by the petitioner on 16.09.2023 for registration within a period of one month from the date of receipt of a copy of this order. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

03..06..2024

To

1.The Sub Registrar, Office of the Sub Registrar, Kaveripattinam, Krishnagiri.



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N.SATHISH KUMAR.J.,
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