



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9329 of 2023

V.Devaraju

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Petitioner

versus

1.The Joint Sub Registrar No.II,
Erode - 638 009.

2.The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Erode Housing Unit,
Sampath Nagar,
Erode District - 638 011.

...

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 in connection with Refusal Check Slip in Refusal No.RFL/1/Joint Sub Registrar No.II, Erode/134/2022 dated 08.12.2022 and quash the same and consequently direct the first respondent to register the petitioner's Gift Deed dated 29.08.2022 pertaining to new Re-Survey Nos.741/1, 741/2 covered in Patta Nos.143, 434, layout called Subramaniam Nagar, Plot Nos.141, 142, 143 in Erode Village, Erode District, within the time frame stipulated by this Court.



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For Petitioner : Mr.N.Palanikumar
For Respondent No.1 : Mr.B.Vijay
Additional Government Pleader
For Respondent No.2 : Mr.C.Kalaichelvan

ORDER

This Writ Petition has been filed challenging the refusal slip dated 08.12.2022 issued by the first respondent, whereby he refused to register the gift deed presented by the petitioner for registration.

2. It is the contention of the writ petitioner that his father has purchased the property on 17.12.2014 and thereafter, the petitioner is in possession of the property and a patta has also been issued in his name. Now, when the document was presented for registration, the same was refused by the first respondent.

3. A counter has been filed by the second respondent, wherein it has stated that the property has been acquired by the Housing Board and an award has also been passed in Award No.6 of 1994 and possession was also taken on 14.12.1992 and the subsequent sale deed is not valid in the eye of law.



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4. The factum of the award was passed is not disputed. Therefore, once the subject property has already been acquired and possession taken, there is a bar under the Act to register the document under Section 22-A of the Registration Act, 1908.

5. In such view of the matter, when the petitioner merely claims on the basis of invalid title, the document cannot be registered. Hence, I do not find any merits in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

25.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

1.The Joint Sub Registrar No.II,
Erode - 638 009.

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