



WEB COPY



WP.No.11653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11653 of 2024

G.Venkatachalam

.. Petitioner

Versus

1. The District Registrar,
Registration Department,
Tirupur District, Tirupur.

2. The Joint II Sub-Registrar,
Registered Department,
Tiruppur District, Tiruppur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 2nd respondent pertaining to the Refusal Check Slip in Refusal No. RFL / 2 No. Joint Sub Registrar Tiruppur / 11 /2023 dated 12.12.2023 and quash the same and consequently direct the 2nd respondent to register the petitioner's settlement deed dated 12.12.2023.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.P.Anandhakumar
Government Advocate



WEB COPY



WP.No.11653 of 2024

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the refusal check slip in Refusal No. RFL / 2 No. Joint Sub Registrar Tiruppur / 11 /2023 dated 12.12.2023 and consequently direct the 2nd respondent to register the petitioner's settlement deed dated 12.12.2023.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that originally, the petitioner had executed a sale agreement on 03.11.2020 in favour of a third party and as he has not come forward to execute the sale deed, the petitioner entered into a settlement deed settling the property in favour of his wife. When the settlement deed was presented for registration, the second respondent has refused to register the settlement deed presented by the petitioner stating that



WP.No.11653 of 2024

since there is a sale agreement pertaining to the said property, the settlement deed cannot be registered. Hence, the present Writ Petition.

5. The settlement deed presented by the petitioner was refused to be registered by the second respondent stating that as per the circular 24011/C1/2020, dated 08.10.2020 of the Registration Department, since a sale agreement has already been executed in favour of a third party, the settlement deed cannot be registered in respect of the very same property. At the outset, this Court is of the view that a circular cannot override statutory right and substantive provision of law and the respondent cannot refuse to register the document. The said fact has been elaborately dealt by this Court in **N. Ramayee v Sub-Registrar** reported in **(2020)6 CTC 697**. In such view of the matter, unless substantive provisions is made in the statute merely on the basis of circular orders, the registering authorities refusing to register a document cannot be sustained in the eye of law. Hence, the refusal slip of the second respondent is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and impugned refusal slip dated 12.12.2023 of the second respondent is quashed. The second respondent is directed to register the settlement deed dated 12.12.2023 presented by the



WP.No.11653 of 2024

petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

29.04.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Registrar,
Registration Department,
Tirupur District, Tirupur.
2. The Joint II Sub-Registrar,
Registered Department,
Tiruppur District, Tiruppur.



WEB COPY



WP.No.11653 of 2024

N. SATHISH KUMAR, J.

vrc

W.P.No.11653 of 2024

29.04.2024