



WEB COPY



W.P.No.12384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12384 of 2024 and
W.M.P.No.13500 of 2024

P.S.K.Arun

... Petitioner

Vs.

The Sub Registrar,
Komarapalayam Sub Registrar Office,
Namakkal District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip No.RFL/Komarapalayam/78/2024 dated 16.04.2024 of the respondent and quash the same and consequently, direct the respondent to register the sale deed dated 16.04.2024 which was presented by the petitioner.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.P.Anandhakumar, GA



W.P.No.12384 of 2024

ORDER

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This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip No.RFL/Komarapalayam/78/2024 dated 16.04.2024 of the respondent and quash the same and consequently, direct the respondent to register the sale deed dated 16.04.2024 which was presented by the petitioner.

2. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. The case of the petitioner is that when he presented the sale deed for registration, the same is not registered on the ground that the title has not been settled, despite the production of the possession certificate issued by the Tahsildar and the original title deed dated 01.10.2010.

4. Heard Mr.M.Vijaya Ragavan, learned counsel for the petitioner and Mr.P.Anandhakumar, learned Government Advocate for the respondent.



W.P.No.12384 of 2024

5. This Court in several cases has held that the title cannot be gone into by the registering authority. Except the documents fall within Section 22 (A) and 22(B) of the Act, the document cannot be refused to be registered as a matter of right. In such view of the matter, the impugned order is liable to be quashed.

6. With the above observations, this Writ Petition is allowed and the impugned refusal check slip No.RFL/Komarapalayam/78/2024 dated 16.04.2024 of the respondent is quashed. The respondent is directed to register the document within a period of 15 days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

30.04.2024



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N.SATHISH KUMAR, J.

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To

The Sub Registrar,
Komarapalayam Sub Registrar Office,
Namakkal District.

W.P.No.12384 of 2024

30.04.2024