



WEB COPY



WP.No.12378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12378 of 2024

G.Dhanraj

.. Petitioner

Versus

1. The District Registrar,
Dharmapuri Taluk & District.

2. The Sub Registrar,
Dharmapuri West, Dharmapuri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent, S.R.O., Dharmapuri West, Dharmapuri District to accept the sale deed dated 18.04.2024 for registration thereby considering the petitioner's application for Pre-registration Token Receipt No.TP/179972010/2024 dated 18.04.2024 within a stipulated time fixed by this Court.

For Petitioner : M/s.N.Vijaya Basker

For Respondents : Mr.P.Anandhakumar
Government Advocate



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ORDER

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2. This writ petition is filed to direct the second respondent to accept the sale deed dated 18.04.2024 for registration thereby considering the petitioner's application for Pre-registration Token Receipt No.TP/179972010/2024 dated 18.04.2024 within a stipulated time fixed by this Court.

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 when the petitioner presented a sale deed for registration, the same was returned by the registrar stating that as the Will executed by the mother of the petitioner was not a registered Will, the sale deed cannot be accepted for registration. Hence, the present Writ Petition.

5. Though normally counter is required for quashing the impugned



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Orders, since the Order impugned, perse is illegal and contrary to the settled position of law, this Court is of the view that no counter is required. When the sale deed has been presented for registration, the same was refused to be registered on the ground that the Will executed by the mother of the petitioner has not been registered. The registering authorities do not even know the basic substantive provision of law and they cannot act as an appellate authority or a Court. When a registration of the Will itself is optional, the registering authority has no power to refuse to register the sale deed on the ground that the Will has not been registered.

6. In such view of the matter, the second respondent is directed to register the sale deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

7. With the above direction, this Writ Petition is disposed of. No costs.

30.04.2024

vrc

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



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N. SATHISH KUMAR, J.

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