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W.P.No.14904 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.14904 of 2024

M.Arumugam

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Petitioner

versus

1.The Inspector General of Registration,
Registration Department,
Santhome,
Chennai - 600 004.

2.The Sub-Registrar,
Mettur Sub-Registrar Office,
Mettur, Salem District.

3.The District Collector,
Salem District,
Salem - 636 001.

4.The Deputy Director,
Department of Geology and Mining,
Salem District Collectorate,
Salem - 636 001.

...

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 of the impugned Refusal Slip dated 17.05.2024 in Refusal Slip



No.RFL/Mettur/32/2024, issued by the second respondent and quash the same and consequently direct the second respondent to register the Lease Deed executed by the fourth respondent in favour of the petitioner dated 30.06.2023 for Rough Stone Quarrying in Survey No.137 Part, to an extent of 1.50.0 Hectares, situated at Moolakadu Village, Mettur Taluk, Salem District.

For Petitioner	:	Mr.M.R.Jothimanian
For Respondent Nos.1 & 2	:	Mr.P.Anandhakumar Government Advocate
For Respondent Nos.3 & 4	:	Mr.P.Sathish Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal slip dated 17.05.2024 issued by the second respondent whereby he refused to register the lease deed presented by the petitioner for registration.

2. It is the case of the writ petitioner that originally the lease deed was executed in Survey No.137 Part, measuring an extent of 1.50.0 Hectares, on 22.01.2020. When the lease deed was presented for registration on 22.06.2023, the same was not registered, citing the reason that the Survey Number has been blocked as 'Anadheenam land'. Therefore, the



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petitioner sought clarification from the District Collector to rectify the mistakes. Accordingly, the District Collector sought clarification from the Commissioner for Land Administration. The Commissioner for Land Administration rectified the mistakes and issued proceedings dated 20.01.2024 unblocking the said Survey Number. Pursuant to the same, the District Collector informed the Sub-Collector on 14.12.2024 for registration of the lease immediately. Therefore, the petitioner presented the document for registration on 17.05.2024 after the mistakes had been set right by the authorities, the same was refused to be registered on the ground that there was a delay of 77 days and they have no power to condone the delay.

3. A counter has been filed by the second respondent to the effect that the document was presented after 8 months with a further delay of 77 days and hence, the refusal slip has been issued. Further, as per Rule 33 of the Registration Act, applications for registration are subject to payment of a fine. Further, it is the contention that since no proper presentation was made on the earlier occasion, the online bookings of TPR token slots stands lapsed without opening. As the document has not been presented properly earlier, a mere online booking cannot be treated as a presentation.



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4. Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2, learned Additional Government Pleader for the respondents 3 and 4 and perused the materials available on record.

5. It is not in dispute that the lease has been executed by the Government. At the time of executing the lease, some mistakes were made with regard to the Survey Number. However, the lease was sought to be registered on 22.06.2023 by the Deputy Director, Department of Geology and Mining. However, the same was not registered by the registering authority, citing some mistakes in Survey Number. Therefore, the District Collector took the proceedings to set right those mistakes and ultimately, the Commissioner for Land Administration has set right that mistakes by his proceedings dated 20.01.2024 *vide* Na.Ka.Ma.A2/29012/2023.

6. Thereafter, the document was presented for registration on 17.05.2024. It is relevant to note that the delay cannot be put against the petitioner. The delay is due to the mistakes in the revenue records and that



mistakes were only realised when the lease deed was sought to be presented for registration. Therefore, the delay due to the mistakes committed by the lesser, namely the Revenue Department and the District Collector Office, cannot be put against the petitioner. Admittedly, he is a lessee under the Government.

7. In such view of the matter, when the Government delays the matter, the lessee cannot be denied the right to register the document executed by the Government in his favour. Accordingly, the reason stated by the second respondent for refusal is liable to be quashed.

8. In the result, this Writ Petition is allowed and the impugned order of refusal slip dated 17.05.2024 stands quashed and the second respondent is directed to register the document presented by the petitioner for registration, if it is otherwise in order, as per law, within a period of 7 days from the date of receipt of a copy of this order. No costs.

14.06.2024

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
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