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W.P. No.18717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P. No.18717 of 2024

1.Ranjini
2.L.Charles

.. Petitioners

Versus

The Sub Registrar
Periamet
Chennai - 600 003

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Refusal Check Slip dated 28.06.2024 bearing Refusal No.RFL/Periamedu/50/2024 issued by the respondent in refusing registration of the sale deed dated 12.07.2010 by the petitioner's vendor J.Saravanan in favour of the petitioners and set aside the same and consequently direct the respondents to accept and entertain the sale deed for registration.

For Petitioners : Mr.C.P.Sivamohan

For Respondent : Mr.M.Shajahan
Spl. Govt. Pleader for R1 & R2



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ORDER

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This writ petition is taken up for final disposal at the stage of admission itself.

2. Challenge has been made to the Refusal Check Slip dated 28.06.2024 bearing Refusal No.RFL/Periamedu/50/2024 issued by the respondent refusing to register the sale deed dated 12.07.2010 by the petitioners' vendor J.Saravanan in favour of the petitioners and set aside the same and consequently direct the respondent to accept and entertain the sale deed for registration.

3. It is the case of the writ petitioners that when they presented a sale deed in respect of 412 sq.ft., the same has been refused to be registered on the ground that one Saravanan, petitioners' vendor has purchased only 2/5 UDS out of 1,101 sq.ft. being 412 sq.ft. However, now without partitioning that 412 sq.ft. the sale deed cannot be registered.

4. On perusal of the entire order and the reasoning given by the authority, it will show the clear non-application of mind on the part of the respondent and hence no counter is required. When the house site has been purchased under UDS



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manner and the extent purchased is only 412 sq.ft., the same was sought to be conveyed, the Sub Registrar insisting the partition of the said extent is unheard.

This court is of the view that this is a classic example how the Sub Registrars are exceeding the jurisdiction and driving the parties from pillar to post. Hence on the face of it, this court is of the view that such order cannot be sustained in the eye of law. The Inspector General of Registration is directed to take disciplinary action against the respondent for dereliction of duty and causing undue hardship to the small time purchasers. In such view of the matter, the refusal order of the second respondent is liable to be quashed.

5. Accordingly, this writ petition is allowed. The impugned Refusal Check Slip dated 28.06.2024 bearing Refusal No.RFL/Periamedu/50/2024 is set aside and direct the respondent to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

16.07.2024

Asr
Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

Asr

To,

1.The Sub Registrar
Periamet
Chennai - 600 003

2.The Government Pleader
High Court, Madras

Copy to:

The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
Chennai - 600 028

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