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WP.No.18906 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18906 of 2024

Vinoth Kumar

.. Petitioner

Versus

1. The District Register,
Perambalur District, Perambalur.

2. The Sub Registrar,
Joint I Sub Registrar Office, Perambalur.

3. The Tahsildar,
Perambalur Taluk, Perambalur.

4. Seetha Lakshmi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned refusal Slip passed by the second respondent in RFL /1 No.Joint Sub Registrar Perambalur / 194/ 2024 dated 28.06.2024 and quash the same consequently to direct the Respondent to register the document presented by the petitioner on 16.05.2024 for registration.

For Petitioner : Mr.P.William Clinton

For Respondents : Mr.P.Anandhakumar
Government Advocate – R1 to R3



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ORDER

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2. This writ petition is filed to quash the impugned refusal slip in RFL /1 No.Joint Sub Registrar Perambalur/194/ 2024 dated 28.06.2024 and consequently to direct the respondent to register the document presented by the petitioner on 16.05.2024 for registration.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that when the petitioner intended to purchase the property of the fourth respondent and presented the sale deed for registration, the third respondent refused to register the citing pendency of the Writ Petition in W.P.No.16281 of 2024. Challenging the same, the present Writ Petition has been filed.



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5. It is the contention of the learned counsel appearing for the petitioner that the said Writ Petition cited by the second respondent is no way connected with the facts of this case. Hence sought to quash the impugned Order.

6. Though normally counter is required for quashing the impugned Orders, since the Order impugned is contrary to the settled position of law, this Court is of the view that no counter is required. At the outset, this Court is of the view that merely on the basis of a Writ Petition, which is no way connected to this case, document cannot be refused to be registered. The Writ Petition cited by the second respondent has been filed seeking a direction to dispose of the appeal preferred by one Jayanthi before the Revenue Divisional Officer. When it is no way connected, citing the pendency of the Writ Petition and refusing to register the document cannot be sustained in the eye of law. This Court has repeatedly held in various judgments that the registration authorities cannot refuse to register a document and such powers are not conferred on them under the Registration Act. Hence, the impugned Order has to be quashed.

7. Accordingly, this Writ Petition is allowed and the impugned order dated 28.06.2024 is quashed and the second respondent directed to register the



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document presented by the petitioner on 16.05.2024 within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

10.07.2024

vrc

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

To,

1. The District Register,
Perambalur District, Perambalur.
2. The Sub Registrar,
Joint I Sub Registrar Office, Perambalur.
3. The Tahsildar,
Perambalur Taluk, Perambalur.



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N. SATHISH KUMAR, J.

VRC

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