



WEB COPY



W.P. No.22545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. No.22545 of 2023

Raji

... Petitioner

Vs

The Sub Registrar
Mecheri Sub Registrar Office
Salem District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the refusal check slip No.RFL/MECHERY/5/2023 dated 14.03.2023 issued by the respondent and quash the same, subsequently direct the respondent to entertain and register the sale deed dated 13.03.2023 submitted by the petitioner for registration.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.B.Vijay, Addl. Govt. Pleader

ORDER



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Challenge has been made to the refusal slip issued by the respondent dated 14.03.2023 refusing to register the sale deed presented by the petitioner.

2. It is the case of the petitioner that when the petitioner has presented a sale deed for registering 1/6th share in Survey No.105/2, 105/3 and 91/3 of Amaram Village, the same was refused by the Sub Registrar on the ground that one Tamil Selvi had obtained a decree in O.S. No.139 of 2001, wherein there is no clarification with regard to petitioner's 1/6th share.

3. It is relevant to note that the sale deed is presented only in respect of 1/6th share in the above said survey numbers. For the remaining 5/6 shares, a decree has been obtained in favour of Tamil Selvi in the said suit.

4. I have perused the judgment and decree. Specific performance is granted only in respect of 5/6 shares and the suit filed for enforcement of the contract for the entire extent is dismissed and the suit has been decreed only in respect of 5/6 shares and for remaining 1/6th share, the suit has been dismissed. When such being the position, it is not for the Sub Registrar to interpret the



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judgment once again and refuse registration. Hence on the face of it, the very order passed by the respondent cannot be sustained in the eye of law.

5. Though a counter has been filed supporting the impugned order, the very nature of the counter indicates that the Sub Registrar is in fact tried to sit over the judgment of the competent civil court. In such view of the matter, the impugned order is liable to be quashed.

6. Accordingly, this writ petition is allowed and the impugned order of the respondent dated 14.03.2023 is quashed. The respondent is directed 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.

26.06.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

N.SATHISH KUMAR, J.



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To

1.The Sub Registrar
Mecheri Sub Registrar Office
Salem District

2.The Government Pleader
High Court, Madras

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