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W.P.No.29283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.10.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29283 of 2024 and
WMP.No.31932 of 2024

R. Vasanthi

...Petitioner

Vs.

1. The Secretary,
The Secretariate,
Chennai 600 009.
2. The District Collector,
Collector Office,
Dharmapuri 636 705.
3. The District Registrar,
Registrar Office,
Dharmapuri 636 701
4. The Sub Registrar,
Sub Registrar Office,
Palacode Taluk,
Dharmapuri 636 808.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, to call for the records of the 4th respondent in refusal number RFL/Palakodu/194/2024 dated 05.08.2024



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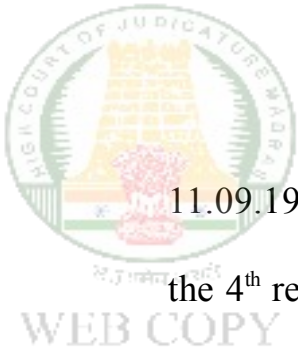
and quash the same and consequently direct the respondents to consider the petitioner's representation dated 18.07.2024 to register document No.50 of 1998 on the Sub Registrar, Palacode Taluk, Dharmapuri.

For Petitioner : Mr.M.Jaisingh
For Respondents : Mr.P.Harish
Government Advocate

ORDER

Aggrieved by the refusal slip issued by the 4th respondent refusing to register the sale deed presented for registration, the petitioner has come before this Court.

2. It is the case of the petitioner that her husband purchased the subject property under sale deed dated 11.09.1998 from one Allisaibu and other. However, the said document was not presented for registration owing to land acquisition proceedings initiated by the Government. Subsequently, the land acquisition proceedings were dropped by the competent authority on 06.02.2023. In the meantime, the petitioner's husband passed away. Therefore, the petitioner presented the sale deed executed in favour of her husband on



11.09.1998 for registration before the 4th respondent. The same was refused by the 4th respondent on the ground that the document was presented out of time allowed by the law. Aggrieved by the same, the petitioner has come before this Court.

3. The document sought to be registered was executed on 11.09.1998 in favour of petitioner's husband namely Ramaru. The sale deed is presented for registration nearly after 25 years. Therefore, the 4th respondent rightly rejected the sale on the ground that document was presented out of time under Sections 24 and 25 of Registration Act. The respondents having power to condone the delay only upto a period of four months. In the case on hand, the document has been presented for registration nearly after 25 years. Therefore, the reason given by the 4th respondent for rejecting the document cannot be faulted by this Court. Further, the document is executed in favour of petitioner's deceased husband. A document executed in favour of deceased person cannot be registered by the respondent after 25 years.



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4. A reading of impugned order further states that the vendor of the petitioner's husband executed some other document in Document No.3915 of 2023 in favour of one Naveeth Mohamed. The learned counsel for the petitioner submitted that vendor of the petitioner's husband executed settlement deed in favour of her son in the meantime. Mentioning all these reasons, the 4th respondent refused registration. I do not find any error in the order passed by the 4th respondent. Accordingly, the writ petition stands dismissed.

5. At this juncture, the learned counsel for the petitioner vehemently contended that petitioner has been in possession and enjoyment of the property all along. It is open to the petitioner to work out her remedy before the Civil Court in the manner known to law. Consequently, the connected miscellaneous petition is closed. No costs.

04.10.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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W.P.No.29283 of 2021.

To

1. The Secretary,
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S.SOUNTHAR, J.

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