



WEB COPY



W.P.No.29507 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29507 of 2024

G.Mani

...Petitioner

Vs.

1.The District Collector
Tirupattur, Tirupattur District.

2.The District Registrar
Tirupattur, Tirupattur District.

3.The Sub-Registrar
Vaniyambadi, Tirupattur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to register the returned, sale deed, dated 06.05.2024 executed by K.Chinnathai and 14 others in favour of the petitioner on its representation.



WEB COPY



W.P.No.29507 of 2024

For Petitioner : Mr.PA.Sudesh Kumar

For Respondents : Mr.M.Shahjahan for R1 to R3
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the third respondent to register the returned sale deed dated 06.05.2024 executed by K.Chinnathai and 14 others in favour of the petitioner.

2. It is the case of the petitioner 5.66.0 are of the land situated in S.No.351 at Kethandapatti Village, Nattarampalli Taluk, Tirupattur District, belonged to the petitioner's family and patta for the said property in Patta No.1130, stands in the name of Chinnathai and 16 others including the petitioner. However, the co-owners namely Chinnathai and 15 others sold 4.03 ½ acre of the land in the above mentioned survey number in favour of the petitioner for the sale consideration of Rs.8,07,000/-. The said sale deed dated 05.05.2024 was presented for registration before the third respondent. The third respondent without considering the document for registration issued refusal check slip on the ground that one Muniraj has filed protest petition against the registration of the document. Aggrieved by the same, the petitioner is before this Court.



W.P.No.29507 of 2024

3. The learned counsel for the petitioner submitted that filing of protest petition is not a ground to refuse to register and the registering authority is expected to conduct enquiry on the protest petition and pass final orders on merits.

4. Though the third respondent refused to register the document presented for the registration in the Refusal Check Slip in Refusal Number: RFL/Vaniyambadi/44/2024 dated 07.05.2024, the petitioner has not challenged the said refusal order, he simply filed a Writ Petition seeking mandamus directing the third respondent to register the returned sale deed dated 06.05.2024. The prayer sought for by the petitioner cannot be granted in view of the order passed by the third respondent refusing the registration of the document. However, this Court, by taking into consideration, facts and circumstances of case, can issue an appropriate writ other than the one prayed for. In other words, this Court can mould the relief to do complete justice between the parties. The refusal check slip issued by the third respondent is enclosed in Page No.11 of the typed set of papers. Therefore, this Court treat it as a Writ of Certiorari challenging the refusal order passed by the third respondent.



W.P.No.29507 of 2024

WEB COPY

5. Mr.M.Shahjahan, learned Special Government Pleader who takes notice for the respondents 1 to 3 would submit that in view of the protest petition filed by the third party, the document was returned to the petitioner to enable the third respondent to conduct enquiry.

6. It is stated by the petitioner that the third party, who filed protest petition, has no right over the property. Whenever, a protest petition is filed by the third party, the Registering Authority is expected to conduct enquiry and take a decision regarding registration, and the document cannot be returned or refused by the authority to register the document. Therefore, the refusal check slip issued by the third respondent in Refusal Number: RFL/Vaniyambadi/44/2024 dated 07.05.2024 returning the document to enable him to conduct enquiry is quashed. The third respondent is directed to conduct enquiry on the protest petition filed by the third party, after issuing necessary notice to the petitioner and applicant thereon and pass final orders, on its own merits, within a period of four weeks from the date of receipt of copy of this order.



W.P.No.29507 of 2024

WEB COPY

7. With the above observation, this Writ Petition is allowed. No costs.

14.10.2024
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

- 1.The District Collector
Tirupattur, Tirupattur District.
- 2.The District Registrar
Tirupattur, Tirupattur District.
- 3.The Sub-Registrar
Vaniyambadi, Tirupattur District.



WEB COPY



W.P.No.29507 of 2024

S.SOUNTHAR, J.
dna

W.P No.29507 of 2024
(2/2)

14.10.2024