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W.P.No.29887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 29887 of 2024
&
W.M.P.No. 32593 of 2024

Viswanathan

...Petitioner

Vs.

The Sub-Registrar,
Kavundapadi Sub Registrar Office,
Kavundapadi, Bhavani Taluk,
Erode District.

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records and quash the refusal check slip Number : RFL/Kavundapadi/71/2024 issued by the respondent herein dated 09.07.2024 and further direct the respondent herein to register the Receipt dated 09.07.2024.



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For Petitioner : Mr. S.Lakshmanasamy

For Respondent : Mr. B.Vijay
Additional Government Pleader.

ORDER

Challenging the refusal check slip Number :
RFL/Kavundapadi/71/2024, dated 09.07.2024, the petitioner is before
this Court seeking issue of Certiorarified Mandamus.

2. The petitioner's case is that the property in question belonged to one Gurusamy son of Ramasamy Chettiar, on the basis of the sale deed dated 13.02.1995. He pledged the said lands to the petitioner's father for a sum of Rs.6,00,000/- and one Palanisamy for the same amount. The mortgage deed were registered on the file of the respondent herein, on 22.12.2022 as Document No.5050 of 2022.



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3. The petitioner's father had executed a "Will" dated 20.02.2024 in and by which the mortgage deed executed in his favour was bequeathed to the petitioner herein and he was authorised to collect the debt. After his father's demise on 03.03.2024, the "Will" came into force and the petitioner had submitted a receipt dated 09.07.2024 to register the discharge of the mortgage amount before the 1st respondent with all the attendant documents.

4. However, the respondent refused to register the mortgage deed on the ground that the petitioner should produce the document to show that the "Will" in question was the final "Will" of his father. Challenging the same, the petitioner is before this Court.

5. Heard the learned counsels on the either side and perused the records.



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6. Section 22 – A of the Registration Act, which is inserted by Tamil Nadu Act 48 of 1997, sets out the grounds under which the Sub Registrar could refuse the registration. The reason that is given in the impugned order does not come within the four corners of the grounds given in Section 22 A of the Act. Therefore, the impugned order is not sustainable. The respondent is duty bound to register the document.

7. Accordingly, the Writ Petition is allowed. The impugned order dated 09.07.2024 is quashed. The petitioner shall re-present the receipt dated 09.07.2024. The Respondent is directed to register the document on such representation within a period of 2 weeks, from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.



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Index : Yes/No
Internet : Yes/No
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To

The Sub-Registrar,
Kavundapadi Sub Registrar Office,
Kavundapadi, Bhavani Taluk,
Erode District.



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P.T. ASHA, J,

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