



W.P. No. 33031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

W.P. No. 33031 of 2024

A.R.Rajagopal

... Petitioner

-VS-

1. The District Registrar
No.1, Thiruvannamalai Road
Krishnagiri HO
Krishnagiri District-635001.

2. The Joint Registrar
No. 24/43, 4th Street, Co-operative Colony
Krishnagiri District-635001.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Check Slip in RFL/Hozur/5/2024 dated 16.04.2024 issued by the second respondent to the settlement deed dated 16.04.2024 presented for registration by me and to quash the same and consequences by direct the second respondent to register the Settlement Deed dated 16.04.2024 executed by me in favour (TP/179803415/2024) and presented on presentation for Registration.

For Petitioner : Mr.G.M.Ananthakumar

For Respondents : Mr.B.Vijay, AGP (RR1 & 2)



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ORDER

Questioning the refusal Check Slip issued by the second respondent to the petitioner, the above writ petition seeking to quash the said order has been filed.

2. The petitioner would submit that when he had presented the settlement deed for registration, it had been rejected on the ground that neither the original parent document nor the non-traceable certificate has been submitted. Therefore, the petitioner challenged the said order in the instant writ petition.

3. The repeated orders being passed by the revenue authorities despite orders of this Court is indeed a cause for concern as it not only adds to the docket explosion, but it is also creates unnecessary expenditure to the public exchequer. In the judgment of the Division Bench of this Court in the case of ***P.Pappu -vs- The Sub Registrar, Rasipuram SRO, Namakkal District*** (W.A. No. 1160 of 2024 dated 27.09.2024), the Bench had observed that the Transfer of Property Act, 1882, which is the substantial enactment, governs the law relating to transfer of immovable property. Further, the right to hold immovable property is a constitutional right ensured under Article 300-A of the Constitution of India and therefore, there cannot be any restriction of the said



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right. The right to hold the property also takes in its fold the right to deal with the property.

4. The power of the Registrar to refuse the registration is restricted to the circumstances that have been enumerated under Sections 22-A and 22-B of the Registration Act, 1908, which has been introduced by the State of Tamil Nadu to the Registration Act. Even these provisions does not authorize refusal on the ground that the prior document has not been filed. The Division Bench had directed the registering officer to register the document without insisting on the production of the parent document or non-traceability certificate. The facts of the above said case applies to the facts of the present case and therefore, the writ petition is to be allowed and the second respondent is directed to register the settlement deed within a period of two weeks from the date of representation of the deed.

5. With the above direction, this writ petition stands allowed. No costs.

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Index: Yes/No
NCC: Yes/No
Maya



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P.T.ASHA, J.

Maya

To

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