



WEB COPY



W.P. No.32463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.32463 of 2024

Ammani

... Petitioner

Vs.

1.Joint Sub Registrar,
Perundurai,
Erode District.

2.Sakthivel

3.K.Shanmuga Sundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st Respondent herein culminating in the refusal check slip in RFL/PERUNDURAI/90/2024 dated 21.09.2024 and quash the same and consequently direct the 1st Respondent to register the sale deed dated 21.09.2024 executed in favour of the petitioner forthwith presentation of the same.

For Petitioner : Ms.Tamilselvi

For Respondents : Mr.P.Harish
Government Advocate



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ORDER

Aggrieved by the impugned refusal slip issued by the 1st Respondent refusing to register the sale deed presented for registration on the ground a protest petition has been filed by Respondents 2 and 3, the petitioner has come before this Court.

2. According to the petitioner, she purchased the properties with a extent of 0.40 and 0.44 cents situated in Survey Nos.217/2 and 217/7 respectively covered by Patta No.4998 in Karumandipalayam, Perundurai Taluk, Erode District from Govindaraj and others under sale deed dated 21.09.2024. The same was presented for registration before the 1st Respondent and he refused registration by passing the impugned order. The registration was refused by the 1st Respondent mainly on the ground that Respondents 2 and 3 have filed protest petition challenging the right of the petitioner's vendor to convey the property. Merely because the Respondents 2 and 3 filed protest petition, the 1st Respondent cannot refuse registration. The 1st Respondent is expected to conduct enquiry on the protest petition by issuing notice to the petitioner and Respondents 2 and 3 and then consider the document for registration.



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3. Therefore, the impugned refusal slip issued by the 1st Respondent is set aside. The 1st Respondent is directed to conduct enquiry in the protest petition filed by the Respondents 2 and 3 by giving due opportunity to the petitioner and Respondents 2 and 3 and complete the enquiry within a period of 3 weeks from the date of receipt of a copy of this order and take a decision with regard to the registration of the document.

4. With these directions, the writ petition is allowed. No costs.

30.10.2024

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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To:
Joint Sub Registrar,
Perundurai,
Erode District.



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S. SOUNTHAR, J.

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