



WEB COPY



W.P.No.31751 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31751 of 2024

V.Gopalakrishnan

... Petitioner

Vs.

1.The Sub Registrar Kavindapadi,
Sub-Registrar Office,
Marutham Nagar, Bye-Pass Road,
Kavindapadi,
Erode District 638 455.

2.P. Palanisami

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Call for the records of the Impugned order relating to the Refusal Check slip bearing Refusal No RFL / KAVINDRAPADI / 93 / 2024 dated 07.10.2024 issued by the 1st Respondent and quash the same erroneous and consequently direct the 1st respondent herein to receive and register the petitioners sale Deed dated 01.10.2024.



For Petitioner : M/s.M.Venkadesh Kumar
For Respondents : M/s.B.Vijay, AGP for R1
: R.2, served - No appearance

ORDER

Challenging the refusal check slip that has been issued by the 1st respondent, the petitioner is before this Court.

2. The petitioner had submitted a sale deed for registration before the 1st respondent on 03.10.2024 and the 1st respondent has refused to register the document and issued a refusal check slip on the very same day stating that “*Index not entered correctly*” Thereafter, the petitioner has once again represented the document for registration on 07.10.2024 and on the said date the registration was refused giving a new reason that one Palanisamy had given an objection letter and therefore the 1st respondent sought for no objection certificate from the Government Officials. Challenging the same, the petitioner is before this Court.

3. Heard the counsels on either side.

4. The role of the Registering Authority while registering the



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document is limited to confirming execution and identity. The only ground for refusal are sets out in Sections 22 A and 22 B of the Registration Act. It is needless to state that when a purchaser presents the document for registration, the presumption is that he has checked the title of the property. The Registering Authority cannot act as a scrutinizing agent regarding the documents and the property which has sought to be conveyed. The objector, in the instant case, has merely forwarded an objection letter to the Registering Officer which is not supported by any document. Therefore, in these circumstances, the refusal check slip dated 07.10.2024, cannot be sustained.

5. Accordingly, the Writ Petition is allowed. The impugned refusal check slip dated 07.10.2024 is set aside. A direction is issued to the 1st respondent to receive and register the petitioner's sale deed dated 01.10.2024, within a period of 2 weeks from the date of its representation by the petitioner. No costs.

14.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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