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W.P.No.32631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32631 of 2024

C.Venkateswar

...Petitioner

Vs.

The Sub Registrar,
O/o Periamet Sub-Registrar,
No.1103, Poonamallee High Road,
Periamet, Chennai – 600 003.

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus to direct the respondent to consider the representation dated 08.09.2024 and consequently direct him to register the sale deeds.

For Petitioner : Mr. C.Mohandraj

For Respondent : Mr. M.Shahjahan
Special Government Pleader.

ORDER



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The above Writ Petition is filed to direct the respondent to consider the representation of the petitioner dated 08.09.2024 and consequently direct him to register the sale deeds. The facts briefly are set out herein below.

2. The properties, namely, (1) land comprised in Old Survey No.390, New Survey No.498, measuring an extent of 2185 Sq.ft. situated at Old No.9, New No.8, Oothukattan Street, Periamet Village, Purasawalkam Taluk, Chennai District, (2) land comprised in Old Survey No.725, New Survey No.771, measuring an extent of 1 ground 1661 Sq.ft. situated at No.11, Second Street, Veppery Village, Purasawalkam Taluk, Chennai District, (3) land comprised in Old Survey No.972, New Survey No.931, measuring an extent of 1 ground 48 Sq.ft. situated at Old No.27, New No.44, Venkatachala Mudali Street, Choolai Village, Purasawalkam Taluk, Chennai District, (4) land comprised in Old Survey No.943, New Survey No.881, measuring an extent of 1 ground 2206'2 Sq.ft. situated at Old No.16, New No.31,



Aaranimuthu Mudali Street, Choolai Village, Purasawalkam Taluk, Chennai District, (5) land comprised in Old Survey No.1098, New Survey No.986, measuring an extent of 785 Sq.ft. situated at Old No.35, New No.10, Venkatachala | Mudali Street, Choolai Village, Purasawalkam Taluk, Chennai District and other properties were belonged to one C.Munusamy Chetty.

3. After the demise of the said Munusamy Chetty, the properties were inherited by his legal representatives Gopalasamy, Kesavalu Chetty, Chennakesavalu Chetty and C.T.Chetty @ C.Thiruvengadam Chetty.

4. On 03.12.1964, the brothers had executed an unregistered koor chit distributing properties amongst themselves and the aforesaid properties were allotted to the share of Thiruvengadam Chetty, the petitioner's father. After his lifetime, the property fell to the share of the petitioner, who was then a minor. All the revenue records were mutated in the petitioner's name. While so, the petitioner proposed to



sell the property to third parties and he had approached the respondent.

However, the respondent informed him that unless the partition deed dated 28.06.1928 is produced, the sale deeds could not be registered.

5. The petitioner would submit that he had made an application for obtaining the certified copy of the partition deed dated 28.06.1928 and the respondent has himself has given a report stating that the document in question was very old and brittle likely to crumble into pieces. The petitioner would submit that he has produced the encumbrance certificate, which clearly describes the partition deed and also produced the koor chit executed amongst the brothers and also the property tax receipts etc., to show possession of the property.

6. Since the respondent was refusing to register the sale, the petitioner made a representation on 08.09.2024, which is also not been considered. Therefore, he has approached this Court.

7. Heard the learned counsels and perused the records.



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8. Admittedly, it is only a draft sale deed that has been presented and the reason given for not accepting the document for registration is the non production of the partition deed of the year 1928, i.e., 28.06.1928.

9. The non production of the certified copy is on account of the fact that the respondent himself has stated that the original partition deed is very old and worn out. The Division Bench in the case reported as **Ramayee - Vs - The Sub Registrar and others - (2020 (6) CTC 697)** has held that except for documents enumerated under Sub Section 1 and 2 of Section 22-A, the Registrar has no power to refuse the registration. Therefore, in the light of the above order of the Division Bench the respondent shall within a period of two weeks of the presentation of the sale deed for registration, register the same, if otherwise compliant with the rules relating to the stamp duty charges and registration charges.



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

11. Post the matter under the caption “*For Reporting Compliance*” on 18.11.2024.

04.11.2024

Index : Yes/No
Internet : Yes/No
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To

The Sub Registrar,
O/o Periamet Sub-Registrar,
No.1103, Poonamallee High Road,
Periamet, Chennai – 600 003.

P.T. ASHA, J.



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