



W.P.No. 33886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33886 of 2024

V. Pourouchothamane

... Petitioner

Vs

The Sub Registrar
Semibiam Sub Register Office,
Chennai District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for records on the file of the respondent impugned Refusal Check Slip No. RFL/Sembium/14/2024 dated 26.09.2024 quash the same and consequently direct the respondent to register the sale deed dated 26.09.2024 by verifying the certified copy of the parent document bearing No.2021/2012 and encumbrance certificate without insisting for Original Parent Deed.



W.P.No. 33886 of 2024

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For Petitioner : Mr.T.N.Rangeshkanna
For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

Challenging the refusal check slip Number :
RFL/Sembiam/14/2024 dated 26.09.2024, the petitioner is before this
Court seeking issuance of Certiorarified Mandamus.

2. The petitioner's case is that his brother had executed a settlement deed in his favour vide settlement deed No.2120 of 2012 dated 16.07.2012 on the file of the Sub Registrar Officer, Sembium for an extent of 3939 sq.ft comprised in O.S.No.116/1 part, T.S.No.41 and T.S.No.45 of 2012 situated at Door No.12/1, New No.9, Thillai Nayagam Pillai 2nd Street, Sembium, Chennai. Due to certain family arrangements, the petitioner decided to execute a settlement deed in favour of his brother in respect of the above property. However the 1st respondent refused to register the settlement deed on the ground that he had not produced the parent document and encumbrance certificate,

2/5



though he had produced the certified copy of the same. Challenging the same, the petitioner is before this Court.

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

4. Section 22 – A of the Registration Act, which is inserted by Tamil Nadu Act 2 of 2009, 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.

5. Accordingly, the Writ Petition is allowed. The impugned order dated 26.09.2024 is quashed. The petitioner shall re-present the receipt dated 26.09.2024. The Respondent is directed to register the document on such re-presentation within a period of 2 weeks, from the



W.P.No. 33886 of 2024

date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

19.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

The Sub Registrar
Semibiam Sub Register Office,
Chennai District



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W.P.No. 33886 of 2024

P.T.ASHA, J.,

srn

W.P.No. 33886 of 2024

19.11.2024