



WEB COPY



WP.No.35323 of 2024

In the High Court of Judicature at Madras

Dated : 29.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35323 of 2024

Deepa

...Petitioner

Vs

The Sub-Registrar, Office of the
Sub-Registrar, Palacode,
Karimangalam Taluk,
Dharmapuri District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceeding vide refusal slip having reference No.RFL/ Palacode/261/2024 dated 30.10.2024 on the file of the respondent, quash the same and consequently direct the respondent to register the sale deed dated 28.10.2024 presented by the petitioner for registration and release the document to the writ petitioner within the time period stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondent : Ms.C.Meera Arumugam, AGP

ORDER

Challenging the refusal check slip issued by the respondent dated 30.10.2024, the petitioner is before this Court.



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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The petitioner purchased the property measuring acre 0.43.225 cent in survey No.123/3A, Hanumathapuram Village, Karimangalam Taluk, Dharmapuri District under a sale deed dated 28.10.2024 for a total sale consideration of Rs.2,30,000/-. When the sale deed was presented for registration, the respondent refused to register the same and the impugned refusal check slip has been issued.

4. The refusal is on two grounds :

(i) the first one is that the petitioner has not produced the previous original document; and

(ii) the second one is that all the legal heirs of one Ms.Mangammal have to execute the sale deed.

Hence, the petitioner is before this Court.

5. The total non application of mind on the part of the respondent is clearly evident from the second reason for refusal namely that all the legal heirs of the said Ms.Mangammal have to



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execute the sale deed. The respondent totally overlooked the fact that the sale deed, which is presented for registration, has been executed by all the legal heirs of the said Ms.Mangammal.

6. As regards the first reason for refusal, earlier, this Court has clearly held that the Registering Authority cannot exceed the scope of the inquiry and hence, the reasons, on which, the respondent refused to register the document presented by the petitioner as per Sections 34 and 22A of the Indian Registration Act, are unsustainable.

7. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and a direction is issued to the respondent to register the sale deed presented by the petitioner within a period of two weeks from the date of its representation. No costs.

29.11.2024

To
The Sub-Registrar, Office of the
Sub-Registrar, Palacode,
Karimangalam Taluk,
Dharmapuri District.

RS



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P.T.ASHA,J

RS

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