



WEB COPY



W.P.No.1971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.1971 of 2024

Muniyappan

... Petitioner

Vs.

1. The Joint -2 Sub Registrar,
S.V.Road, Dharmapuri Town,
Dharmapuri Taluk,
Dharmapuri District – 636 701.

2. The District Registrar,
S.V.Road, Dharmapuri Town,
Dharmapuri Taluk,
Dharmapuri District – 636 701.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned records of the 1st Respondent bearing No.362 / 2023 dated 06.10.2023 culminating in his impugned communication bearing No.385 / 2023 dated 18.10.2023 issued to the petitioner's counsel and to quash the same and direct the 1st Respondent to accept the petitioner's petition



W.P.No.1971 of 2024

dated 07.08.2023 and to conduct the enquiry vis-a-vis the execution of the Sale Deed dated 30.05.2023 presented by the petitioner and for its compulsory registration in accordance with the Registration Act 1908 and the Registration Rules.

For Petitioner : Mr.Arun Anbumani

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the impugned records of the first respondent bearing No.362 / 2023 dated 06.10.2023 culminating in his impugned communication bearing No. 385 / 2023 dated 18.10.2023 issued to the petitioner's counsel and to quash the same and also to direct the first respondent to accept the petitioner's petition dated 07.08.2023 and to conduct the enquiry vis-a-vis the execution of the Sale Deed dated 30.05.2023 presented by the petitioner and for its compulsory registration in accordance with the Registration Act 1908 and the Registration Rules.



W.P.No.1971 of 2024

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. Learned counsel for the petitioner submitted that the petitioner presented the sale deed along with necessary documents for registration before the first respondent. Without following the procedures, the respondents have passed the impugned proceedings, which is against the provisions of law. The respondents may be directed to accept the petitioner's petition dated 07.08.2023 regarding execution of sale deed dated 30.05.2023 presented by the petitioner for its compulsory registration in accordance with the Registration Act 1908 and the Registration Rules.

4. The respondents have filed their counter and they have not stated in the counter that they have issued summons to the petitioner and conducted enquiry. Without issuing notice and conducting enquiry, the first respondent has passed impugned proceedings/refusal check slip.



W.P.No.1971 of 2024

WEB COPY

5. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the first respondent to consider the petitioner's representation dated 07.08.2023 and after issuing notice and after giving opportunity of hearing to the petitioner and the parties to the document, conduct enquiry in the manner known to law and pass orders on merits and in accordance with law. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

09.02.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



W.P.No.1971 of 2024

WEB COPY

To

1. The Joint -2 Sub Registrar,
S.V.Road, Dharmapuri Town,
Dharmapuri Taluk,
Dharmapuri District – 636 701.
2. The District Registrar,
S.V.Road, Dharmapuri Town,
Dharmapuri Taluk,
Dharmapuri District – 636 701.



WEB COPY



W.P.No.1971 of 2024

P.VELMURUGAN, J.

mfa

W.P.No.1971 of 2024

09.02.2024