



W.P.No.36658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36658 of 2024

K.Natarajan

...Petitioner

Vs.

The Joint No.1 Sub Registrar
(District Registrar Cadre)
Office of the District Registrar,
Salem East,
Salem District.

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus call for the records relating to the impugned refusal check slip in No.RFL/ Salem East Joint 1 SRO/ 193/ 2024 dated 14.11.2024 issued by the respondent and quash the same and consequently direct the respondent to register the settlement deed dated 14.11.2024 presented by the petitioner.



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For Petitioner : Mr. E.Ramanathan
For Respondent : Mrs. C.Meera Arumugam
Additional Government Pleader.

ORDER

Challenging the refusal check slip issued by the respondent herein, the petitioner has filed the above Writ Petition to quash the said order and consequently direct the respondent to register the document dated 14.11.2024, without insisting on any further documents.

2. It is the case of the petitioner that he has purchased the subject property on 12.09.1988, vide Doc.No.1635 of 1988. In the year 2000, the petitioner has executed a power of attorney, in favour of one Palanisamy. Subsequently, through power of attorney the petitioner has entered into sale agreements with two persons in the year 2000 and 2001. Both the sale agreements were not proceeded further with the execution of sale deed and the agreement has also become time barred.



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Meanwhile, the power of attorney has also passed away on 11.04.2009.

The petitioner would submit that the power of attorney was in possession of the original parent document.

3. The petitioner has now therefore proceeded to execute a sale deed in favour of one Kannan. However, the same was refused on the ground that the original parent document was not enclosed. Aggrieved by the same, the petitioner is before this Court.

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

5. Despite several orders passed by this Court stating that the registering authority should not refuse registration for the want of parental document, registering authorities continue to pass the same order. The case on hand is one such instance.



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6. Section 22 – A of the Registration Act, which is inserted by Tamil Nadu Act 48 of 1997, 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 under anyone of the grounds set out in Section 22 A of the Act. Therefore, the impugned order is not sustainable. The respondent is duty bound to register the document.

7. Accordingly, the Writ Petition is allowed. The impugned order dated 14.11.2024 is quashed. The Respondent is directed to register the document within a period of 2 weeks, from the date of the same being re-presented. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Joint No.1 Sub Registrar
(District Registrar Cadre)
Office of the District Registrar,
Salem East,
Salem District.



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P.T. ASHA, J,

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