



WEB COPY



WP.No.36933 of 2024

In the High Court of Judicature at Madras

Dated : 11.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36933 of 2024 &
WMP.No.39878 of 2024

K.Chokkalingam

...Petitioner

Vs

1.The Inspector General of
Registration, 100, Santhome
High Road, Mullima Nagar,
Mandavelipakkam, R.A.Puram,
Chennai-28.

2.The Sub-Registrar, Office
of the Sub-Registrar,
Thiruvallankadu.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of impugned order passed by the 2nd respondent in RFL/Thiruvallankadu/44/2024 dated 02.9.2024, quash the same as illegal, arbitrary and non-est in law and consequently direct the 2nd respondent to register the ratification deed dated 02.9.2024 and release the registered ratification deed to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.Eswar
For Respondents : Mr.B.Vijay, AGP



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ORDER

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Challenging the check slip issued by the second respondent dated 02.9.2024 refusing the register the ratification deed dated 02.9.2024 presented by the petitioner and to issue a consequential direction to the second respondent to register the said ratification deed, the petitioner is before this Court.

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

3. The case of the petitioner is that the property measuring 40 cents in S.No.74/6B situated at Veeraraghavapuram, Thiruthani Taluk, Thiruvallur District originally belonged to one Ms.K.Meenakshi by virtue of a settlement deed dated 18.2.2015 registered as doc.No.540 of 2015 on the file of the Sub-Registrar, Thiruvalankadu. She was in possession and enjoyment of the said property. Along with some other property, she sold the said property to the petitioner vide sale deed dated 09.3.2023 registered as doc.No.629 of 2023 on the file of the same Sub-Registrar for a valid sale consideration. After the purchase, the petitioner has been in possession and enjoyment of the said property.



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4. While executing the said sale deed dated 09.3.2023, the four siblings of the petitioner were not available and by way of abundant caution, they executed a ratification deed dated 02.9.2024 in favour of the petitioner only in respect of S.No.74/6B by paying the requisite stamp duty and the registration charges. However, the second respondent refused to register the same with the endorsement 'index not entered correctly'. Hence the writ petition.

5. In the considered view of this Court, there is a total non application of mind on the part of the second respondent. The second respondent totally overlooked the fact that the sale deed was already registered and the document now presented for registration is only a ratification deed executed by the siblings of the vendor of the petitioner by way of abundant caution.

6. In the light of the above, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the ratification deed presented by the petitioner within a period of two weeks from the date of its representation. No costs. Consequently, the above WMP is closed.

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P.T.ASHA,J

RS

- 1.The Inspector General of Registration, 100, Santhome High Road, Mullima Nagar, Mandavelipakkam, R.A.Puram, Chennai-28.
- 2.The Sub-Registrar, Office of the Sub-Registrar, Thiruvallankadu.

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