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W.P.No.37550 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.37550 of 2024
and
W.M.P.No.40592 of 2024

1. Ranganathan
2. Elangovan

... Petitioners

Vs.

The Sub-Registrar,
Vellakovil Sub Registrar Office,
Tiruppur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal Check Slip dated 11.11.2024 in RFL/Vellakovil/56/2024 made by the respondent, quash the same and consequently direct the respondent to register and release the sale deed dated 11.11.2024.

For Petitioners : Mr.R.Prabakar

For Respondent : Mrs.C.Meera Arumugam
Additional Government Pleader



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ORDER

Mrs.C.Meera Arumugam, learned Additional Government Pleader takes notice on behalf of the Respondent.

2. The Petitioners are aggrieved by the refusal on the part of the Respondent to register and release the Sale Deed dated 11.11.2024 presented by the Petitioners.

3. A brief facts of the case is that the 2nd Petitioner is a joint owner of the property along with one Vijayan measuring an extent of 1708 sq.ft. bearing Plot No.37 named as Ashok Nagar situated in R.S.F.No.1149/E, Senapathipalayam Village, Kangayam Taluk, Tiruppur District. They had purchased the same under a registered Sale Deed dated 18.03.2013. The 2nd Petitioner owed the 1st Petitioner a sum of Rs.90,000/- under a promissory note dated 04.03.2013. Since the amounts were not repaid, the 1st Petitioner had filed O.S.No.248 of 2013 on the file of the District Munsif Court, Kangayam against the 2nd Petitioner for recovery of money. The 1st Petitioner had also filed an application for attachment before



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Judgement of the property of the 2nd Petitioner. The attachment was also effected but the same was reflected in the encumbrance certificate. The other owner Vijayan who was holding the original title deed sold his half share to one Keshavan under a registered Sale Deed dated 09.10.2013. The said Keshavan in turn sold the half share to one Sathya under a registered Sale Deed dated 31.10.2022. The said Sathya is in possession of the original documents. The Suit filed by the 1st Petitioner against the 2nd Petitioner was on 27.03.2014 and to satisfy the decree, the 2nd Petitioner had agreed to sell his half share in Plot No.37 in favour of the Petitioner and accordingly, the sale deed were prepared and presented before the Respondent for registration. The Respondent refused to register the same on the ground that the original title deed had not been produced. Challenging the said order, the Petitioners are before this Court.

4. Heard the learned counsel on either side and perused the materials available on records.

5. The insistence on the side of the registering authorities for production of registered Sale Deed had been called in question by this Court



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in the Judgement in **Ramayee vs. The Sub Registrar and Others**, 2020 (6)

CTC 697 and in **P.Pappu vs. The Sub Registrar** in W.A.No.1160 of 2024.

The grounds on which refusal can be granted and the registering authority conducting an enquiry at the time of registration has been clearly spelt out in the registration act as well as the various judgements of this Court despite which the Respondents continue to persist in making this demand. Therefore, the Writ Petition is allowed. The 2nd Respondent is directed to register and release the Sale Deed dated 11.11.2024 within a period of two (2) weeks from the date of receipt of a copy of its representation. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
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To

The Sub-Registrar,
Vellakovil Sub Registrar Office,
Tiruppur District.



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P.T.ASHA, J.

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