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WP.No.37804 of 2024

In the High Court of Judicature at Madras

Dated : 19.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37804 of 2024

Arcot Luthern Church, rep.
by its Secretary Hubert
Dhanasundaram

...Petitioner

Vs

1.The Inspector General of
Registration, No.100,
Santhome Highway,
Chennai-28.

2.The District Registrar,
Chennai North, 1st Floor,
Kuralagam, Chennai-108.

3.The Sub-Registrar,
Sowcarpet, Chennai.

4.Central Bank of India, rep.
by its Chief Manager,
Broadway Branch, No.165,
I Floor, ALC Complex,
Broadway Road, Chennai.

...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 pertaining to the impugned refusal check slip dated 18.9.2024 bearing No.RFL/Sowcarpet/19/2024 issued by the third respondent, quash the same and consequently direct the third respondent to register the lease deed dated 26.6.2024 executed between the



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petitioner and the fourth respondent.
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For Petitioner : Ms.Aishwarya S.Nathan
For R1 to R3 : Mr.C.Sathish, GA

ORDER

Challenging the check slip issued by the third respondent dated 18.9.2024 refusing to register the lease deed presented by the petitioner and to issue a consequential direction to the third respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for respondents 1 to 3.

3. It appears that the petitioner acquired the property in R.S. Nos.5168 and 5169 and 5685/1 situated at Popham's Broadway, George Town, Chennai measuring 6 grounds and 2,373 sq.ft., vide indenture of conveyance dated 09.1.1933 registered as doc.No.30 of 1933 on the file of the third respondent. Thereafter, the petitioner constructed a complex by naming it as ALC Complex and has been using the rent generated from the shops therein for fulfilling the objectives of the society. During 2009, initially, the fourth respondent was inducted as a tenant in the first floor. The lease period expired



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and therefore, the new lease deed dated 26.6.2024 came to be executed.

4. When the lease deed dated 26.6.2024 was presented before the third respondent for registration, it was refused to be registered. The reason for refusal is that the petitioner has not produced the certified copies of the latest audited annual returns and the encumbrance certificate establishing the title of the petitioner over the subject property.

5. As has been time and again held, the third respondent cannot conduct a roving inquiry into the title in respect of a document that is presented for registration. Suffice it that he cross-checks the execution of the document, the identity of the person executing and also the authority of the person executing the document.

6. Under these circumstances, the writ petition is allowed and the impugned refusal slip is set aside. The third respondent is directed to register the lease deed presented by the petitioner within a period of two weeks from the date of its representation. No costs.

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P.T.ASHA,J

RS

To

- 1.The Inspector General of
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