



WP(MD). No.1277 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 28/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.1277 of 2023

1. Subramani P,

2. Umavathi. S,

... Petitioners

Vs

1. The District Registrar,
Theni District..

2. The Joint Registrar - I,
Periyakulam, Theni District..

3. The Tahsildar,
Tahsildar Office, Periyakulam..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 2nd respondent in Refusal Check Slip dated 26.12.2022 and quash the same and further directing the 2nd respondent to entertain the sale deed dated 18.11.2022 for registration and consequently to register and release the same.

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For Petitioner : M/s. Senthil M.P,
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the impugned refusal slip issued by the 2nd respondent dated 26.12.2022 refusing to register the sale deed presented by the petitioner for registration, the present Writ Petition has been filed.

2. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents R1 & R2 and perused the materials available on record.

3. The case of the petitioner is that the subject property is purchased from the legal heir of one Meyural by the petitioners herein. Since in the sale deed, the extent of property has been wrongly mentioned, the petitioners prepared a sale deed by mentioning the exact measurements and approached the 2nd respondent to register the same. While so, when the petitioner presented the same for registration, the same was refused to be registered by the 2nd respondent stating that there



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is discrepancy in the extent in the patta and in the documents.

Challenging the same the present Writ Petition.

5. It is the contention of the petitioner that the respondents cannot pass such refusal. Hence, seeks a direction to the respondents to register the settlement deed presented by the petitioner.

6. It is relevant note that this Court in the case of ***Federal Bank v Sub Registrar***, reported in ***2023 (2) CTC 289*** has held that Sub Rule XX of Rule 162 has no statutory backing. The said order has been followed by a Division Bench of this Court in the case of ***M. Ariyanatchi v Inspector General*** made in ***W.A.(MD).No. 856 of 2023, dated 27.06.2023***. When the identity of the parties is not in dispute, it is not the duty of the registering authority to go into the issue of title. The extent may vary from various documents. There may be difference between the boundaries and extent. It is for the parties, who purchased the property, to take risk. Hence, the Sub-Registrar cannot refuse to register a document merely on the basis of varying boundaries. In such view of the matter, the impugned refusal slip has to be set aside.



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7. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 26.12.2022 is quashed and the 2nd respondent is directed to register the settlement deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order.
No costs.

28.08.2024

RR

TO

1. The District Registrar,
Theni District..
2. The Joint Registrar - I,
Periyakulam, Theni District..
3. The Tahsildar,
Tahsildar Office, Periyakulam..



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N.SATHISH KUMAR,J

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**ORDER
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