



W.P.(MD)No.5501 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.5501 of 2023
and W.M.P.(MD)No.7966 of 2023

Sharfunnisha

... Petitioner

Vs.

1.The District Registrar,
O/o. District Registrar,
Kumbakonam, Thanjavur District.

2.The Sub Registrar,
O/o. Sub Registrar,
Nachiyarkovil, Thanjavur District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relates to the impugned rejection order passed by the 2nd respondent in his proceedings in Refusal No.RFL/Nachiyarkovil/33/2022 dated 30.09.2022 and quash the same as illegal, without jurisdiction and violative of principles of natural justice and consequently directing the respondents to register the Sale Deed dated 29.09.2022 with respect of property in S.F.No. 56/7 situated at Sembiavarambal Village, Nachiyarkovil Sub Registration District, Kumbakonam Taluk, Thanjavur District.



W.P.(MD)No.5501 of 2023

For Petitioner : Mr.S.Sankar
For Respondents : Mr.M.Siddharthan,
Addl. Govt. Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned rejection order passed by the 2nd respondent in his proceedings in Refusal No.RFL/Nachiyarkovil/33/2022 dated 30.09.2022 and quash the same as illegal, without jurisdiction and violative of principles of natural justice and consequently directing the respondents to register the Sale Deed dated 29.09.2022 with respect of property in S.F.No. 56/7 situated at Sembiavarambal Village, Nachiyarkovil Sub Registration District, Kumbakonam Taluk, Thanjavur District.

2. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. It is the grievance of the writ petitioner that when the sale deed was presented for registration, the respondents refused to register the same on the



W.P.(MD)No.5501 of 2023

ground that the sale deed contains recitals with respect to possession of some third party. Challenging the same, the petitioner has filed this Writ Petition.

4. The learned counsel for the petitioner submitted that though one Jalaludeen claimed cultivating tenancy right, the said claim was not accepted by the petitioner's vendor and the said Jalaludeen did not register his tenancy right. Therefore, the impugned refusal slip has to be set aside.

5. On a perusal of the impugned order, this Court is of the view that the impugned order is nothing but clear non-application of mind. The Registering Authorities have assumed their role that they are the one to decide the rights of the parties at their whims and fancies. Such illegal orders are repeatedly passed, despite the direction given by the Inspector General of Registration by way of circular. It is high time to direct the Government to take note of the same and if the same trend is continued, this Court will personally initiate action against the concerned officials.

6. Such view of the matter, the impugned rejection order passed by the 2nd respondent dated 30.09.2022 stands quashed and the Writ Petition is allowed.



W.P.(MD)No.5501 of 2023

The 2nd respondent is directed to register the sale deed dated 29.09.2022 presented by the petitioner, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.08.2024

NCC : Yes/No
Index : Yes/No

vsm



WEB COPY



W.P.(MD)No.5501 of 2023

To

- 1.The District Registrar,
O/o. District Registrar,
Kumbakonam, Thanjavur District.
- 2.The Sub Registrar,
O/o. Sub Registrar,
Nachiyarkovil, Thanjavur District.



WEB COPY



W.P.(MD)No.5501 of 2023

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.5501 of 2023

28.08.2024