



W.P(MD)No.7043 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7043 of 2024

and

W.M.P.(MD)No.6530 of 2024

Srivatsan

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Thanjavur District.

2.The Sub Registrar,
Office of the Sub Registrar,
Thiruvaiyaru Registration Office,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Rejection Check Slip dated 19.12.2023 issued by the 2nd respondent and quash the same as illegal and unconstitutional and consequently direct the 2nd respondent to register the sale deed presented by the petitioner within the time stipulated by this Court.



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For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.D.S.Neduncheziyan,
Government Advocate.

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ORDER

Heard both sides.

2.The petitioner wants to sell the petition mentioned property. He executed a sale deed in this regard. It was presented for registration. The second respondent declined to register the document on the ground that a prior registration had already been done in respect of the property in favour of Madhu Shiri Anusha Bai Trust. The specific stand of the petitioner is that there was a dispute between the petitioner's grandfather and the said trust and that the issue was resolved in a civil suit through a compromise decree. Prior to passing of compromise decree, the lands have been exchanged. That is how the petition mentioned lands came to the petitioner's family.

3.In fact, in the refusal check slip itself, it has been mentioned that the Civil Court's decree is in support of the stand taken by the petitioner. Having noticed the same, the registering authority could not have refused to register the



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document. I would have set aside the impugned refusal check slip and allowed the writ petition, if the trust had been before me. The trust has not been added as a party. I, therefore, permit the petitioner to submit a representation before the second respondent in this regard. Notice shall be issued to the said trust. Date for enquiry shall be fixed. If the second respondent is satisfied based on the materials that the property stood vested with the petitioner's grandfather by virtue the compromise decree and by virtue of the exchange deed, a formal order to that effect will be passed and served on the trust. The trust can be given window period of six weeks thereafter. If no restraint order is obtained by the trust, the petitioner's document shall be registered subject to fulfilment of other usual formalities.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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Office of the District Registrar,
Thanjavur District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Thiruvaiyaru Registration Office,
Thanjavur District.

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