



W.P(MD)No.7584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7584 of 2024

P.D.Prakash

... Petitioner

Vs.

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600028.

2.The Sub Registrar,
Kodaikanal,
Dindigul District.

... 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 pertaining the impugned refusal check slip in RFL/Kodaikanal/50/2024 dated 18.03.2024 passed by the 2nd respondent and quash the same and consequently directing him to register the sale deed dated 07.03.2024 executed in favour of the petitioner.

For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.K.Anbarasan



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For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

2. The petitioner has purchased the petition mentioned property vide sale deed dated 07.03.2024 from one Saraswathi, Parvathi and the legal heirs of one Arockiyasamy. The document was presented for registration before the second respondent. The second respondent noticed that the encumbrance register indicates that the property had been dealt with in the year 2006 under Document No.1202 of 2006 and that EC also indicates the name of Saraswathi and Arockiyasamy vagaiyara. According to the registering authority, unless these entries are set aside in the manner known to law, registration cannot be entertained. To this effect, the impugned refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3. The learned senior counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and took me through the materials enclosed in the typed set of papers. He called



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upon this Court to set aside the impugned refusal check slip and grant relief as prayed for.

4. The learned Additional Government Pleader on the other hand submitted that when EC reflects two transactions in respect of the petition mentioned property, unless the same are set aside in the manner known to law, registration cannot be entertained. He called upon this Court to sustain the impugned refusal check slip and dismiss the writ petition.

5. I carefully considered the rival contentions and went through the materials on record. The refusal check slip cites two reasons. The second reason is patently un-sustainable. This is because the vendors in this case are none other than Saraswathi, Parvathi and the legal heirs of the deceased Arockiyasamy. Copy of the legal heir certificate of Arockiyasamy has been enclosed in the typed set of papers. Therefore, it is only the first reason set out in the impugned refusal check slip that has to be considered. 2006 entry referred to by the registering authority is the transaction between one R.V.Rengaraj and J.Mahesh. It is seen that Sarawathi and Parvathi who are the daughters of one Kurinji Manikam filed appeal before the RDO, Kodaikanal for deleting the names of one J.Vasanthi and R.V.Rengaraj. On 18.11.2002, the



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RDO, Kodaikanal remitted the matter to the file of the Tahsildar, Kodaikanal to hold enquiry and pass an order afresh on merits and in accordance with law.

On 21.01.2003, the Tahsildar, Kodaikanal issued the proceedings for entering the names of Saraswathi and Parvathi as pattadhars in respect of Survey No. 1021/2 and four other survey numbers. The case on hand pertains to Survey No.1021/2A2 alone measuring an extent of 2 acres and 19 cents. It is subsequent to this order passed by the Tahsildar, Kodaikanal, on 21.01.2003, the transaction between Rengaraj and Mahesh had taken place in the year 2006 which was registered as Document No.1202/2006. Probably that was why, Saraswathi and Parvathi had to file O.S.No.150 of 2007 before the District Munsif Court, Kodaikanal seeking the relief of permanent injunction against R.V.Rengaraj and J.Mahesh and three others. Interestingly, the Tahsildar, Kodaikanal was also shown as one of the defendants. The suit was decreed on 11.04.2016. The copy of the order dated 18.11.2002 issued by the RDO, Kodaikanal and the order dated 21.01.2003 issued by the Tahsildar, Kodaikanal have been marked as P8 & P9. Therefore, I am satisfied that the suit pertained to Survey No.1021/2. More than anything else, copy of the patta standing in the name of Saraswathi and Parvathi and Arockiyasamy have been produced before this Court.



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6. In these circumstances, the registering authority was not justified in refusing registration. The impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be received, registered and released subject to fulfillment of other usual formalities. The Writ Petition is allowed. No costs.

26.03.2024

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 02.04.2024.

To

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600028.

2.The Sub Registrar,
Kodaikanal,
Dindigul District.



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G.R.SWAMINATHAN, J.

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