WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8599 of 2023
and W.M.P.(MD)No.7909 of 2023

Daniel ... Petitioner

Vs.

The Sub Registrar,
Kayalpattinam,
Thoothukudi District. .... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal slip issued by the respondent in RFL/Kayalpattinam/64/2023 dated 20.03.2023 and quash the same as illegal, arbitrary and non-application of mind and consequently direct the respondent to register the Sale Deed presented by the petitioner dated 20.03.2023.

For Petitioner : Mr.C.Geetha

For Respondent : Mr.P.Subbaraj,
Spl. Govt. Pleader

https://www.mhc.tn.gov.in/judis

WEB COPY

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal slip issued by the respondent in RFL/Kayalpattinam/64/2023 dated 20.03.2023 and quash the same as illegal, arbitrary and non-application of mind and consequently direct the respondent to register the Sale Deed presented by the petitioner dated 20.03.2023.

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

3. It is the grievance of the petitioner that when the petitioner has presented a sale deed dated 20.03.2023 for registration, the same has been refused to be registered on the ground that the document is contrary to Section 22-A(2) of the Registration Act.

4. Though no reasons have been assigned in the impugned order, now it is stated by the learned Special Government Pleader appearing for the respondents,

https://www.mhc.tn.gov.in/judis

WEB COPY

on instructions, that the subject property has already been gifted to Arumuganeri Town Panchayat for the purpose of laying road. Therefore, the respondent has refused to register the document presented by the petitioner. However, no material whatsoever has been placed before this Court to substantiate the said submission.

5. Whereas, it is a specific contention of the petitioner that excluding the road already gifted, the remaining land was the subject matter of the sale deed.

6. On a perusal of the boundary description mentioned in the sale deed, it is seen that excluding the area already gifted to Arumuganeri Town Panchayat for the purpose of laying road, for the remaining area only the sale deed has been executed. In such view of the matter, it is not for the authorities to enter into the title issue and when the description and the boundary is very clear, without any materials, the document cannot be refused to be registered. This aspect has already been decided by this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the SubRegistrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024].*** Following the said decision, the impugned order is liable to be set aside.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. Accordingly, the impugned refusal slip issued by the respondent dated 20.03.2023 is set aside and the Writ Petition is allowed. The respondent is directed to register the sale deed dated 20.03.2023 presented by the petitioner, within a period of one week 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.

30.08.2024

NCC : Yes/No
Index : Yes/No

vsm

https://www.mhc.tn.gov.in/judis

WEB COPY

To

The Sub Registrar,
Kayalpattinam,
Thoothukudi District.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.8599 of 2023

30.08.2024

https://www.mhc.tn.gov.in/judis