



W.P(MD)No.8817 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8817 of 2023

and

W.M.P.(MD)Nos.8055 & 8056 of 2023

C.Meenatchi

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.

2.The District Collector,
Theni District,
Theni-625 531.

3.The District Registrar (Administration)
Vadakarai, Batlagundu Road,
Periyakulam, Theni District-625 601.

4.The Sub Registrar,
Sub Registrar Office,
Near New Bus Stand,
Theni District-625 531.

5.The Revenue Divisional Officer,
Taluk Office,
Theni District.

6.The Tahsildar,
Taluk Office,
Near Uzhavar Sandhai



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Theni District-625 531.

7. The Branch Manager,
Canara Bank,
Theni Branch, Theni,
Theni District-625 531.

... 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 order passed by the 4th respondent Sub-Registrar in Na.Ka. No.125/2022 dated 14.03.2023, quash the same and direct the 4th respondent to accept the Memorandum of Deposit of Title Deed for registration in favour of 7th respondent Canara Bank in respect of her 2190.3/8 Square Feet of land in Survey No.61/1A1A at Sanjai Gandhi Street, South Jaganathanpuram, Palani Chetipatti, Theni District for availing Educational Loan.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate for R1 to R6

: Mr.Pethu Rajesh for R7

ORDER

Heard both sides.

2. The petitioner purchased the petition mentioned property vide sale deed dated 12.12.2018 from one Vasantha. It was registered as Document No. 9143 of 2018 on the file of the fourth respondent. The said Vasantha had in



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turn purchased the property from one Maheswari in the year 2006. It was also a registered document. The petitioner mortgaged the petition mentioned property with the State Bank of India for housing loan. Now the petitioner wanted to top up the loan for funding her daughter's education. Since the State Bank of India declined, the petitioner had transferred her loan account to the seventh respondent. When a fresh Memorandum of Deposit of Title Deed in favour of the seventh respondent was presented for registration, the fourth respondent declined to register the document on the ground that it is a panjami land. It appears that the jurisdictional Tahsildar had sent a communication to that effect to the fourth respondent. The stand of the fourth respondent is not justifiable. It is not as if the transaction is sought to be registered for the first time. The petitioner's counsel points out that the property had changed hands atleast six times. It is also pointed out that in the same year, few other transaction had also been permitted. The petitioner cannot be selectively targeted. The registering authority can refuse to register the document only on the ground set out in Section 22A of the Registration Act, 1908. It is not the case of the fourth respondent that the property belongs to the State Government or any other authority mentioned in the said provision. Therefore, the Tahsildar could not have restrained the registering authority from entertaining the document in question.



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3. In this view of the matter, the impugned communication is set aside.

The petitioner is permitted to present the petition mentioned Memorandum of Deposit of Title Deed. It shall be received and registered by the fourth respondent subject to fulfillment of other usual formalities. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2024

Index : Yes / No
Internet : Yes/ No
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To

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