



W.P.(MD)No.11064 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11064 of 2023

Raja

... Petitioner

Vs.

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

2.The Sub Registrar,
Usilampatti.

.... Respondents

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 pertaining the impugned refusal check slip in RFL/Usilampatti/5/2023 dated 05.04.2023 passed by the second respondent and quash the same and consequently directing him to register the partition deed dated 05.04.2023.

For Petitioner : Mr.J.Barathan

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



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip in RFL/Usilampatti/5/2023 dated 05.04.2023 passed by the second respondent and quash the same and consequently directing him to register the partition deed dated 05.04.2023.

2. It is the grievance of the petitioner that when the petitioner presented a partition deed for registration, the same was refused to be registered on the ground that required stamp duty along with encumbrance certificate for 50 years, computerised chitta, adangal and enjoyment certificate and Town survey patta have to be produced. Challenging the same, the petitioner has filed this Writ Petition.

3. It is the specific contention of the learned counsel for the petitioner that the petitioner has produced the computerised chitta and extract of Town Survey Land Register and also the encumbrance certificate. However, the 2nd respondent through the impugned order directed to produce the encumbrance



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certificate for the period of 50 years. Therefore, the impugned order is liable to be set aside.

4. The respondents have not filed their counter affidavit.

5. Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the records, it is seen that the petitioner along with the partition deed has produced the computerised chitta and extract of Town Survey Land Register and also the encumbrance certificate for the period of 30 years. However, the 2nd respondent through the impugned order directed the petitioner to produce the encumbrance certificate for a period of 50 years. This Court is of the view that demanding to produce 50 years of encumbrance certificate, is nothing but abuse of power of the Sub Registrar. When the encumbrance certificate for the period of 30 years have already been produced, there is no logic for demanding encumbrance certificate for the period of 50 years. Therefore, the impugned order is liable to be set aside.



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7. Accordingly, the impugned order passed by the second respondent dated 05.04.2023 is quashed and the Writ Petition is allowed. The first respondent is directed to register the partition deed dated 05.04.2023, 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.

30.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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- To
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N.SATHISH KUMAR, J.

vsm

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