



W.P(MD)No.12773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.12773 of 2023

and

W.M.P.(MD)No.10773 of 2023

Rajesh

... Petitioner

Vs.

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Idaikaal, Tenkasi 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 pursuant to the refusal order dated 20.10.2022 in RFL/Idaikaal/66/2022 passed by the 2nd respondent and quash the same and to direct the respondents to register the sale certificate issued vide order dated 04.10.2021 in E.P.No. 71/2018 in O.S.No.107/2014 by the Principal Subordinate Court, Tenkasi in favour of the petitioner.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.P.Subbaraj,

Special Government Pleader



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ORDER

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According to the petitioner, he has purchased the land in S.No.189/1 to an extent of 42 cents situated at Idaikkal Village, Kadayannallur Taluk, Tenkasi District in a Court auction and the sale certificate was also issued in his favour on 04.10.2021. Pursuant to the sale certificate, he has taken possession of the land in question on 07.09.2022 and thereafter, on 20.10.2022, he has presented the sale certificate for registration, the same has been refused by the 2nd respondent vide refusal check slip dated 20.10.2022, on the ground that the sale certificate was presented beyond the period of four months. Challenging the same, the petitioner has filed this Writ Petition.

2.Heard the learned counsel on either side and perused the materials available on record.

3.At the outset, the impugned order cannot be sustained in the eye of law for the simple reason that sale certificate is not executed by the Court and it is only an order, confirming the sale in favour of the petitioner and therefore, there is no question of presenting the same within a period of four months and the time limit prescribed under Section 23 of the Registration Act, cannot be applicable to the sale certificate.



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4.It is to be noted that after the possession has been taken, within a period of 20 days the petitioner has presented the sale certificate for registration. Even if the limitation is applied, the sale certificate has been presented for registration within a period of 20 days. Therefore, it is well within the period of limitation of four months.

5.In such view of the matter, the impugned order of the 2nd respondent is quashed and this Writ Petition is allowed with a direction to the 2nd respondent to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Idaikaal, Tenkasi District.



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N.SATHISH KUMAR, J

Yuva

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