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W.P.(MD)NO.11932 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11932 of 2024

Noorunisha

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o.the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai – 28.
 2. The District Registrar,
O/o.District Registrar,
Registration Department,
Thanjavur, Thanjavur District.
 3. The Sub Registrar,
O/o.the District Registrar, Registration Department,
Ayyampettai, Thanjavur District.
 4. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip in refusal No.RFL/Ayyampettai/21/2024 dated 05.04.2024 and quash the same as illegal, consequently directing the respondent to register the sale deed dated 02.04.2024 presented by the petitioner.



For Petitioner : Mr.A.Abdulkabur
For R-1 to R-4 : Mr.R.Ragavendran,
Government Advocate.

* * *

ORDER

One Mohamed Iqbal filed W.P.(MD)No.1062 of 2022. The said writ petition was disposed of on 30.10.2023 in the following terms:-

“ Heard both sides.

2. The writ petitioner entered into sale agreement with one Mohamed Sathu Batcha for purchasing two items of property. The petitioner made preliminary enquiries with the third respondent in this regard. The third respondent had orally informed the petitioner that since there are certain issues to be resolved, the jurisdictional Revenue Divisional Officer had called upon the registering authority not to register any document in respect of the petition mentioned survey number. That led to the filing of this writ petition.

3. When the matter was taken up for disposal, the learned counsel appearing for the petitioner submitted that sale deed dated 18.04.2023 was presented for registration and the third respondent issued refusal check slip dated 19.04.2023. The refusal check slip contains the very same



reason earlier orally communicated to the writ petitioner. The learned counsel further submitted that since this development took place during the pendency of the writ petition, this Court can very well mould the writ prayer.

4. It is seen that the first item of the sale deed dated 18.04.2023 was purchased by the petitioner's vendor from one M.Ali Akbar vide registered sale deed dated 01.02.2001 (Document No.50 of 2001). The second item was purchased by the petitioner's vendor vide sale deed dated 29.11.2006 (Document No.101 of 2006) from one Anwar Basha and Kamal Basha. It is stated that the names of the petitioner's vendor's vendor figured in the revenue record. The petitioner's vendor's name is also figuring in the revenue record. The only difficulty appears to be that it is a joint patta and not an individual patta.

5. When transactions in respect of the subject properties were allowed to be registered, it may not be open to the registering authority to now raise an objection based on the communication received from the jurisdictional Revenue Divisional Officer. The petitioner is permitted to re-present the sale deed in question. The registering authority will verify if the properties covered in the sale deed were the subject matter of registered sale transactions earlier. The registering authority will further verify if the petitioner's vendor's vendor's name figured in the revenue record. On being satisfied, the third respondent will register the sale deed subject to the fulfillment of the



other usual formalities. I make it clear that once a document is registered, the name of the petitioner's vendor will be deleted from the patta and in his place, the name of the petitioner will be entered. The petitioner cannot have any higher right or claim than his vendor.

6. This writ petition is disposed of accordingly.
There shall be no order as to costs.”

2. The present writ petition is also disposed of on the same lines. No costs.

10.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

1. The Inspector General of Registration,
O/o.the Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai – 28.
2. The District Registrar,
O/o.District Registrar,
Registration Department,
Thanjavur, Thanjavur District.
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WEB COPY



6

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G.R.SWAMINATHAN,J.

PMU

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