



W.P.(MD)No.14855 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.14855 of 2022

M.Bharsha Begum

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office, Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Thanjavur District.

... 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 record pertaining to the original Refusal Check slip passed by the 1st respondent vide his proceedings in RFL/Thiruvaiyaru/68/2022 dated 04.07.2022 and quash the same as illegal and consequently direct the 1st respondent to register the sale deed dated 01.07..2022 presented by the petitioner.

For Petitioner : Mr.M.Vivek



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For R1 & R2

: Mr.P.Subburaj
Special Government Pleader

For R3

: Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Challenging the refusal check slip dated 04.07.2022 refusing to register the sale deed presented by the petitioner for registration, this writ petition has been filed.

2. Heard both sides and perused the materials available on record. No counter has been filed.

3. It is the case of the petitioner that the petitioner is the owner of the property and all the revenue records stands in her name; and when she presented an agreement for sale, it was refused by the first respondent on the ground that the writ petition filed by one Radhakrishnan is pending in WP(MD)No.1907 of 2021. It is the contention of the writ petitioner that the said writ petition is no way connected to her case and that writ petition was filed by a third party for a general direction in respect of a temple land whereas the petitioner's land does not come under the temple land at any point of time. Hence, seeking a direction, the



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petitioner filed this writ petition.

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4. When the petitioner produced all the relevant revenue records and documents, it is the duty of the Sub Registrar to scrutinize the documents and on perusal and enquiry, such documents has to be registered and mere citing the pendency of some other writ petition is not a ground to pass a refusal order. Hence, the impugned order is liable to be set aside.

5. Accordingly, this writ petition is allowed and the impugned order is set aside. The first respondent/Sub Registrar is directed to register the document submitted by the petitioner. No Costs.

13.08.2024

NCC : Yes/No
Index : Yes/No
PJJ

To
1.The Sub Registrar,
Sub Registrar Office, Thiruvaiyaru,
Thiruvaiyaru Taluk, Thanjavur District.

2.The Tahsildar,
Thiruvaiyaru Taluk,Thanjavur District.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Thanjavur District.

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N.SATHISH KUMAR, J.

PJL

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