



W.P.(MD)No.15730 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15730 of 2022
and
W.M.P.(MD)No.11322 of 2022

N.S.Krishnamoorthy

... Petitioner

Vs.

The Sub Registrar (Registration),
Paramakudi, Ramanathapuram District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Refusal No.RFL/Paramakudi/11/2022 dated 28.06.2022 on the file of the Respondent and quash the same and further directing the respondents to receive and register the Sale Deed dated 22.06.2022 executed in favour of the Petitioner.

For Petitioner	: Mr.Selva Aditya
For Respondent	: Mr.M.Siddharthan Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the Refusal No.RFL/Paramakudi/11/2022 dated 28.06.2022 on the file of the Respondent and



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and to direct the respondents to receive and register the Sale Deed dated 22.06.2022 executed in favour of the Petitioner.

2. Heard the submissions made on either side and perused the materials available on record.

3. It is the case of the writ petitioner that the property in question belongs to one Sridevi by virtue of the Will dated 19.11.2015. The petitioner purchased the said property vide sale deed dated 22.02.2022. When the same was presented for registration, the the same was refused to be registered on the ground that the Will dated 19.11.2015 is an unregistered document and further insisted the petitioner to produce the patta in respect of the subject property. Challenging the same, the petitioner has filed this Writ Petition.

4. This Court, in the case of ***Subramani vs. Office of Sub-Registrar, Rasipuram***, in W.P.No.11056 of 2024, dated 26.04.2024, has categorically held that refusals cannot be ordered automatically. Pursuant to the said judgment, a detailed circular was already issued by the Inspector General of Registration, Chennai, in Circular No.22482/C1/2022, dated 12.07.2024, and in spite of the said circular, the authorities had mechanically refused to register the document presented by the petitioner.



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5. Considering the above settled position of law, this Writ Petition is allowed and the impugned order dated 28.06.2022 passed by the respondent stands quashed. The respondent is directed to register the sale deed, dated 22.06.2022 executed in favour of the petitioner, within a period of one week from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

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NCC : Yes/No
Index : Yes/No
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To

The Sub Registrar (Registration),
Paramakudi, Ramanathapuram District.



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N.SATHISH KUMAR, J.

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