



W.P.(MD)No.16901 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16901 of 2023

1.Ravindran (Died)
2.Subathira
3.Deepak
4.Kiruthika R ... Petitioners
(P2 to P4 are impleaded vide order dated 17.10.2024 in W.M.P(MD).No.
20939 of 2024 in W.P(MD).No.16901 of 2023)
Vs.

The Sub Registrar,
Watrap, Sub Registry,
Virudhunagar District.

... Respondent

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 of the impugned refusal check slip issued by the respondent in RFL/Watrap/8/2023 dated 21.06.2023 and quash the same as illegal and arbitrary and consequently direct the respondent to register the lease agreement dated 21.06.2023 presented by the petitioner.

For Petitioners : Mr.A.Balaji
For Respondent : Mr.C.Satheesh
Government Advocate (Civil. Side)



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent refusing to register the lease agreement presented by the second petitioner's husband.

2. It is the case of the petitioners that the land to an extent of 4029 sq.mts in Natham Survey No.689/1A at Pudupatti Village, Watrap Taluk, Virudhunagar District, was originally purchased by the second petitioner's husband, namely, Ravindran, vide two sale deeds in Doc.No. 210 of 1998 dated 02.03.1998 and Doc.No.415 of 1998 dated 20.04.1998. Thereafter, he constructed a commercial complex building after getting proper approval from the concerned authority and the same was leased out to the bank. After expiring of said lease period, further lease agreement for a period of ten years, entered between the second petitioner's husband and the bank. In this regard, when the document was presented for registration, the same was refused by register citing the reason that patta has not been annexed along with the lease deed. Aggrieved over the same, this writ petition has been filed.

3. Heard both sides.



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4. The fact that the second petitioner's husband has already constructed the building after getting proper approval from the concerned authority in the said land and in respect of the same, lease agreement has already been registered in the year 2013 in Doc.No.144 of 2013 is not in dispute, whereas when the document was presented for extension of existing lease, the respondent refused the same to register citing patta has not been produced. At the outset, this Court is of the view that the respondent/Sub Registrar has no basic knowledge about the fundamental law. He has even not understood what is the right, which has been granted under the lease. The lease is only transfer of right to enjoy the immovable property for certain period. Therefore, when the enjoyment and possession of the subject property has been established by the party and earlier lease was also registered, the impugned refusal order passed by the respondent on the ground of patta has not been produced, is nothing but clear abuse of process of law. The Inspector General of Registration shall take into consideration this type of order passed by the Sub Registrar and take appropriate action against the concerned Sub Registrar.



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N.SATHISH KUMAR, J.

Rmk

5. Accordingly, the impugned refusal check slip issued by the respondent in RFL/WAtrap/8/2023 dated 21.06.2023 is quashed and this writ petition is **allowed**. The respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. No costs.

17.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

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

2.The Sub Registrar,
Watrap, Sub Registry,
Virudhunagar District.

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