



W.P.(MD)No.17721 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17721 of 2023

Arun Muthu

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli District,
Tirunelveli.

2.The Sub Registrar,
Veeravanallur,
Tirunelveli 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 records in connection with the Refusal Check Slip in refusal No.RFL/North Veeravanallur /43/2023, dated 27.04.2023 issued by the 2nd respondent and quash the same and consequently directing the respondents to register the sale Deed presented by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader.



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the Refusal Check Slip in refusal No.RFL/North Veeravanallur /43/2023, dated 27.04.2023 issued by the 2nd respondent and quash the same and consequently directing the respondents to register the sale Deed presented by the petitioner within the time stipulated by this Court.

2. It is the grievance of the Writ Petitioner that when the petitioner presented a sale deed in respect of 1 Acres 17 cents in S.No.1074/1, the same was refused to be registered on the ground that without partitioning the entire extent of the land, the document cannot be registered. Challenging the same, the petitioner has filed this Writ Petition.

3. According to the petitioner, he has a title based on a released deed executed by his brother, which was already registered on the file of the 2nd respondent vide Doc.No.397/2022, wherein 2.76 acres have been released in favour of the petitioner and the same was shown as item No.11. Based on the said



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right, out of 2.76 acres, the petitioner has executed a sale deed in respect of 1 acres 17 cents. When the same was presented for registration, the refusal order has been passed stating that there will be a bar under Section 22(1)(A)(1) of the Registration Act, 1908. Therefore, the impugned order is liable to be set aside.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. The very impugned order indicates that the Sub-Registrar concerned has not even understood what is the provisions of law. Section 22-A deals with the property belonging to the State Government, local authority, Chennai Metropolitan Development Authority, religious institutions, and the Tamil Nadu Wakf Board, etc. The impugned order has been passed, without application of mind and the same has been passed only for the purpose of refusing to register the document for the reasons best known to him. When a person has a larger extent of land and is inclined to sell the half of the property, it is not the concern of the Sub Registrar to hold that without partitioning the entire extent of land, the document cannot be registered. Such an act is nothing but clear abuse of misuse of power



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vested with the Sub-Registrar. Therefore, the impugned order is liable to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip issued by the 2nd respondent dated 27.04.2023 is quashed. The respondents are directed to register the sale deed presented by the petitioner, within a period of seven days from the date of receipt of a copy of this order. There shall be no order as to costs.

25.09.2024

NCC : Yes/No
Index : Yes/No
vsm



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To
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Tirunelveli District,
Tirunelveli.
- 2.The Sub Registrar,
Veeravanallur,
Tirunelveli District.



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N.SATHISH KUMAR, J.

vsm

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