



WP(MD). No.20288 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 12/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.20288 of 2024 and
WMP(MD) Nos.17210 and 17211 of 2024**

P.Ganesh Pandian

... Petitioner

Vs

1. The District Registrar,
Madurai District Registrar Office,
TNAU Nagar,
Rajakambiram, Y.Othakadai,
Madurai District - 625 106.

2. The Sub - Registrar,
Melur East Sub - Registrar Office,
TNAU Nagar,
Rajakambiram, Y.Othakadai,
Madurai District - 625 106.

... Respondents

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 pertaining to the impugned Refusal Check Slip in Na.Ka.No.



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84/2024 dated 12.08.2024 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent 1 and 2 to register the Sale Deeds dated 12.08.2024 within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
For Respondent : Mr.P.Subbaraj
Spl, Government Pleader

ORDER

Challenge has been made to the refusal slip issued by the authorities.

2. When the petitioner presented a sale deed dated 12.08.2024, the same has been refused to be registered on the ground that in the guideline register, there is a reference note to the effect that Doc.No.5269/2015 has been registered by way of impersonation. On the said ground, the same has been refused to be registered.

3. The learned counsel for the petitioner has produced the document to show that the said entry is not made on the basis of any finding of the Court and that has been made only on the basis of the allegations in an FIR. He has also placed the information provided by



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the Sub Registrar in this regard, which has been obtained under the Right to Information Act, wherein, the 2nd respondent in his proceedings dated 08.04.2023 has informed the petitioner that the said entry has been made only on the basis of the FIR filed on 17.09.2021 in Crime No.579/2021. When there is no finding recorded by the Court, merely on the basis of the allegations of third parties, which culminated into filing of an FIR, that cannot be the basis to make such entry in the absence of any proof.

4. The learned counsel for the petitioner also brought to the notice of this Court that the complainant has already filed a suit in OS No. 32/2019 before the District Munsif Court, Melur. The suit was also allowed to be dismissed for default on 28.08.2024. Relevant entries have also been placed before this Court.

5. I have considered the rival submissions and perused the materials available on record.

6. In such view of the matter, merely on the basis of the letter from the police and allegations in an FIR, entries cannot be a conclusive one in



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view of the decision of this Court in ***Subramani v. the Sub Registrar and another [(2024) 3 MLJ 588]***, wherein, in Paragraph No.31(d), following the decision of the Apex Court in ***R.Madhupriya v. Inspector General of Registration [2020 SCC Online Mad 20112]***, it has been held that the practice of police officers issuing letters to the Sub Registrar's asking them to refrain from registering documents has been consistently deprecated. Here, in the case on hand, merely on the basis of some pendency of criminal case, the document ought not to have been refused for registration. The Registrar has no power to refuse the registration or keep the document pending at their end.

7. Accordingly, the writ petition is allowed and the impugned order is quashed. The respondents are directed to register the documents in question, if there are no other impediment. No costs. Consequently connected Miscellaneous Petitions are closed.

12.09.2024

NCC : Yes/No
Index : Yes/No
RR



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Madurai District - 625 106.

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N.SATHISH KUMAR,J

RR

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