



W.P(MD)No.22325 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22325 of 2024

U.Marimuthu

... Petitioner

Vs.

1.The District Registrar,
Palayamkottai Range,
Palayamkottai, Tirunelveli District.

2.The Sub Registrar,
Srivaikundam Range,
Srivaikundam, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, calling for the records relating to the impugned refusal check slip in Refusal No. RFL/Srivaikundam/50/2024 dated 28.08.2024 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to register the sale deed dated 28.08.2024 in application No. S01LANDVV202408289890961.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.P.Subbaraj

Special Government Pleader



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the grievance of the petitioner that when he presented the sale deed executed in favour of one Tamilarasi Vadivu in respect of the house property in Door No.2/123 in New Survey No.670/1 to an extent of 513 sq.ft., situated at Perumalkovil Street, Kalvai Village, Srivaikundam Taluk, Thoothukudi, the 2nd respondent, vide refusal check slip dated 28.08.2024, rejected the same, stating that there are some discrepancies in the subsequent sale deed and rectification deed registered in the year 2013 and 2020 respectively by Marimuthu and Kottiyappan Raja, who are the legal heirs of one Esakki, against the different parcel of the land situated in same Survey No.670/1 and directed the petitioner to produce separate patta in respect of the property in question. Challenging the same, the petitioner has filed this Writ Petition.

3.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents.



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4. When this Court posed a specific question, as to how the registering authority has entered into the title dispute on verification of the document, there is no answer from the respondents. When the title deed has been produced and patta also stands in the name of the petitioner and the identity of the person is not disputed, merely on the basis of some inference, the registering authority cannot refuse the document to register and he has to necessarily register the same. Therefore, the impugned refusal check slip issued by the 2nd respondent dated 28.08.2024 stands quashed and this Writ Petition is allowed, directing the 2nd respondent to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

20.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva



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N.SATHISH KUMAR, J

Yuva

To

- 1.The District Registrar,
Palayamkottai Range,
Palayamkottai,
Tirunelveli District.
- 2.The Sub Registrar,
Srivaikundam Range,
Srivaikundam,
Thoothukudi District.

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