



W.P(MD).No.23881 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.23881 of 2024

Mohankumar

... Petitioner

Vs.,

1.The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Theni District.

2.Sundaresh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip given by the first respondent vide refusal number: RFL/Bodinayakkanur/68/2024 dated 30.09.2024 and set aside the same as illegal and consequently, direct the first respondent to register the sale deed presented by the petitioner within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Gandhi Senior Counsel for Mr.Gandhi Associates
For R-1	: Mr.R.Baskaran Additional Advocate General assisted by Mr.M.Siddharthan



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ORDER

Challenging the impugned refusal check slip issued by the first respondent vide refusal number: RFL/Bodinayakkanur/68/2024 dated 30.09.2024, this writ petition has been filed.

2. Heard both sides.

3. The case of the petitioner is that he purchased the land in Survey No. 149/4A2 to an extent of 83 cents situates on the eastern side of total extent 1 acre 35 cents situated in Melachokkanathapuram, Bodinayakkanur, Theni District, from one Karthik vide sale deed dated 08.01.2024. Thereafter, he plotted out his property after obtaining proper approval from the concerned authority and Plot No.15 has also been sold out in favour of one Balamurugan vide sale deed dated 28.05.2024. It is the contention of the petitioner that when he presented the sale deed, which was executed in favour of one Karthick in respect of the one plot in the said layout, for registration before the first respondent, who registered the said sale deed dated 28.05.2024 in the same layout, the same was refused to register citing the decree made in O.S.No.44 of 2008 dated 01.07.2016 by the learned District Munsif cum Judicial Magistrate, Bodinayakkanur.



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4. After perusing the encumbrance certification, this Court by order dated 04.10.2024 directed the first respondent/Sub Registrar to appear before this Court on 21.10.2024.

5. Today (i.e., 21.10.2024), P.Karthikairaj, Sub Registrar, Bodinayakkanur/ first respondent herein, is present before this Court. He would submit that certain clarification with regard to the civil Court decree has only been sought. Further, submits that the document presented by the petitioner will be registered, if the petitioner files an affidavit stating that the subject property will not come within the schedule of property i.e., S.No.149/4, Patta No.528 of the said decree dated 01.07.2016.

6. The learned counsel appearing for the petitioner would submit that the petitioner is ready to file such affidavit.

7. In view of the above, the petitioner is directed to file such affidavit before the first respondent. On receipt of such affidavit, the first respondent shall register the petition mentioned document within a period of one month from the date of receipt of a copy of this order.



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N.SATHISH KUMAR, J.

Rmk

8. With the above direction, this Writ Petition is disposed of. No costs.

21.10.2024

NCC : Yes/No

Index : Yes/No

Rmk

To
The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Theni District.

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