



WP(MD). No.25204 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25204 of 2024

S. Sivakumar

... Petitioner

Vs

1. The District Registrar,
District Registrar Office,
Tiruchirappalli.

2. The Sub Registrar,
Keezhsathanur,
Tiruchirappalli 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 issued by the 2nd respondent in Refusal Number RFL/Keezhsathanur/102/2024 dated 08.08.2024 as illegal and quash the same and consequently direct the 2nd respondent to register the sale agreement presented by the petitioner in TP/183239173/2024 and release the same within a time stipulated by this Court.



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For Petitioner : Mr.I Abrar Mohamed Abdullah
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent dated 08.08.2024 and to direct the 2nd respondent to register the sale agreement presented by the petitioner in TP/183239173/2024 and release the same.

3. It is the case of the petitioner that the subject property is the ancestral property of the vendor of the petitioner, which was settled through final decree and the final decree has also been registered in Doc.No.1749/2024 on 15.03.2024. When the petitioner presented a draft sale agreement in respect of the said property, the same has been refused to be registered on the ground that the extent covered in the document is not tallied with TSLR. It is his specific case that the properties were originally the subject matter of the preliminary decree and partition final



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decree in OS No.482/1988 and final decree has been passed on 05.09.2014. Now, based on that allotment, the petitioner entered an agreement and citing that some documents had already been executed and only an extent of 9.06 acres alone is available on ground, the 2nd respondent refused to register the same.

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

5. At the outset, the order cannot be sustained for the simple reason that when the petitioner traces title and entered into an agreement to purchase the property based on the allotment made in the final decree proceedings. Whether the actual extent is available or not is not a matter to be decided by the 2nd respondent. It is for the petitioner to take such risk and it is for the 2nd respondent to register the document. Even such extent is not available, only on the basis of the title conveyed to the petitioner, he can seek recovery of possession in the manner known to law.



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6. In such view of the matter, the writ petition is allowed and the impugned order of the 2nd respondent dated 08.08.2024 stands quashed. the 2nd respondent is directed to register the document within a period of 15 days from the date of receipt of a copy of this order. No costs.

23.10.2024

RR

TO

1. The District Registrar,
District Registrar Office,
Tiruchirappalli.

2. The Sub Registrar,
Keezhsathanur,
Tiruchirappalli District.



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N.SATHISH KUMAR,J

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**ORDER
IN
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Date : 23/10/2024