



W.P.(MD)No.28317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28317 of 2024

Nirmala Rajeswari

...Petitioner

-Vs-

1.The Joint Sub Registrar No.I,
O/o. the Joint Sub Registrar -I,
Palayamkottai, Tirunelveli.

2.K.Balasubramanian

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the first respondent vide Na.Ka.No. 342/AAaB/2024 dated 28.09.2024 and quash the same and consequently, direct the first respondent to register and release the sale deed dated 11.07.2024 which was kept as pending Doc.No.62/2024 on the file of the first respondent to the petitioner.

For Petitioner

: Mr.R.Ponkarthikeyan

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader for R1



W.P.(MD)No.28317 of 2024

WEB COPY

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 28.09.2024, thereby refused to register the sale deed which was presented for registration on the ground that it is against the provision under Section 22(A) of the Registration Act in the caption of "enquiry notice".

2.The property comprised in survey No.32/1C2 to an extent of 27.50 cents situated at Reddiarpatti Village, Palayamkottai Taluk, Tirunelveli District belongs to the mother of the petitioner vendor. He had devolved the title over the property by registered Will, dated 14.04.1985, vide document No.43 of 1985 executed by his father. After demise of his father, the subject was settled in favour of her son by registered settlement deed, dated 04.07.2019 vide document No.5522 of 2019. Thereafter, the petitioner has purchased the subject property on 11.07.2024 and sale deed was presented for registration. But the first respondent without stating any reasons, simply refused the subject property which was against the provision under Section 22 A of the Registration Act and refused to register the sale deed which was issued under the caption "enquiry notice".



W.P.(MD)No.28317 of 2024

3.It is not only a non-speaking order and it has been passed without application of mind by the first respondent. Admittedly, there is no objection from any third party. In respect of the subject property, there was several previous transactions. Therefore, there is absolutely no impediment to the first respondent to register the same.

4.In view of the above, the impugned order passed by the first respondent cannot be sustained and is liable to be quashed. However, the petitioner is directed to re-present the sale deed for registration and on receipt of the same, the first respondent is directed to give opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of two weeks thereafter.

5.It is also made clear that if there is no violation under Section 22A of the Registration Act, the first respondent is directed to register and release the same forthwith.

27.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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W.P.(MD)No.28317 of 2024

G.K.ILANTHIRAIYAN. J,

RJR

To

The Joint Sub Registrar No.I,
O/o. the Joint Sub Registrar -I,
Palayamkottai, Tirunelveli.

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