



W.P(MD)No.27504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.27504 of 2023

A.Chinthamani

...Petitioner

Vs.

The Sub Registrar,
O/o. Sub Registrar,
Aruppukottai,
Virudhunagar 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 of the Impugned Refusal Check Slip dated 28.07.2023 in Refusal Number. RFL/Aruppukottai/30/2023 issued by the Respondent and quash the same consequently direct the respondent to register the sale deed dated 05.04.2023 executed by one Chandra @ Subbuthai in favour of the petitioner for the valuable consideration of Rs.14,01,000/- in respect of house property in Door No.1-22-16 comprised in Survey No.150/2A, Plot No.K/6, situated at Palayampatti Village, Aruppukottai Taluk, Virudhunagar District within a stipulated time fixed by this Court.

For Petitioner : Mr.I.Suthakaran

For Respondent : Mr.P.Subbaraj,
Spl. Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the Impugned Refusal Check Slip dated 28.07.2023 in Refusal Number.RFL/Aruppukottai/30/2023 issued by the Respondent and quash the same, consequently direct the respondent to register the sale deed dated 05.04.2023 executed by one Chandra @ Subbuthai in favour of the petitioner for the valuable consideration of Rs.14,01,000/- in respect of house property in Door No.1-22-16 comprised in Survey No.150/2A, Plot No.K/6, situated at Palayampatti Village, Aruppukottai Taluk, Virudhunagar District within a stipulated time fixed by this Court.

2. It is the grievance of the petitioner that when the petitioner presented a sale deed for registration, the same was refused to be registered on the ground that in respect of the very same Plot No.K6, two documents have already been registered, vide Document Nos.3248/1980 and 3252/1980. Challenging the same petitioner has filed this Writ Petition.

3. It is the contention of the learned counsel appearing for the petitioner that petitioner's vendor has purchased the property in the year 1990



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and constructed a house in the said property. The petitioner was intended to purchase 882 sq.ft in Survey No.150/2A, with separate boundaries. The respondent has confused over the plot numbers registered in the earlier two documents. Hence, the impugned order is liable to be quashed.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. The learned counsel for the petitioner has also brought to the notice of this Court the documents referred to in the impugned order. On a perusal of the same, it is seen that the said documents are related to different properties. Though it refers Plot No.K6, the boundaries are totally different and the extent is also different. Subsequently, several transfers have also been taken place. Such being the position, the Sub-Registrar has no power to go into the matter, if the purchaser satisfy himself with regard to the title. Therefore, the impugned order is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 28.07.2023 issued by the respondent is quashed. The



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respondent is directed to register the sale deed dated 05.04.2023, executed in favour of the petitioner, within a period seven days from the date of receipt of a copy of this order. There shall be no order as to costs.

16.10.2024

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



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To

The Sub Registrar,
O/o. Sub Registrar,
Aruppukottai,
Virduhunagar District.



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N.SATHISH KUMAR, J.

vsm

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