



WEB COPY



W.P.No.2995 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.2995 of 2025

Uma

...Petitioner

Vs

1.The District Registrar (Administration),
Office of the District Registrar,
Kallakurichi District.

2.The Sub-Registrar,
Office of the Sub-Registrar, Sankarapuram,
Sankarapuram Taluk,
Kallakurichi District.

3.T.Sreenivasan

4.Sundaramurthy

5.Venkatesan

6.Dhanalakshmi

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding vide Refusal Check Slip having reference No.RFL/ Sankarapuram/321 dated 26.12.2024 on the file of the 2nd respondent, quash the same and consequently direct the 2nd respondent to register the sale deed dated 26.12.2024 presented by the writ petitioner for registration and release the document to the writ petitioner within a time period to be stipulated by this Court.



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For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.P.Harish (For R1 & R2)
Government Advocate

ORDER

The Writ Petition has been filed for the following relief:-

To call for the records relating to the impugned proceeding vide Refusal Check Slip having reference No.RFL/ Sankarapuram/321 dated 26.12.2024 on the file of the 2nd respondent, quash the same and consequently direct the 2nd respondent to register the sale deed dated 26.12.2024 presented by the writ petitioner for registration and release the document to the writ petitioner within a time period to be stipulated by this Court.

2.The second respondent has refused to register the sale deed on the ground that the respondents 3 to 6 had entered into a registered agreement with one Govindan. Aggrieved, the petitioner is before this Court.

3.Heard the learned counsels on either sides and perused the records. The learned Government Advocate takes notice on behalf of the respondents 1 and 2.



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4.The agreement of sale which has been executed as early as in the year 2016 has not been enforced and by efflux of time would have also become bar. That apart, the petitioner as purchaser who is entering into the sale deed is fully aware about the same and he is purchasing the document subject to this risk. The respondent whose enquiry is restricted to provisions of Section 34 of the Registration Act and power of refusal is governed by the provisions of Section 22 A of the Registration Act as per the amended Tamil Nadu Registration Act, cannot refuse to register on this ground. Accordingly, Writ Petition is allowed and impugned proceeding of the second respondent vide Refusal Check Slip No.RFL/Sankarapuram/321 dated 26.12.2024 is set aside. Consequently, mandamus is issued to second respondent to register the said sale deed within a period of two weeks from the date of receipt of copy of this order. No costs.

30.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To

- 1.The District Registrar (Administration),
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Kallakurichi District.
- 2.The Sub-Registrar,
Office of the Sub-Registrar, Sankarapuram,
Sankarapuram Taluk,
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