



WEB COPY



W.P.No.39349 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.39349 of 2024
and W.M.P.No.42617 of 2024

1.J.Selvakumar

2.J.Gobinath

...Petitioners

Vs

The Sub Registrar,
Office of the Sub Registrar,
Mangalam,
Thiruvannamalai

...Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records from the file of the respondent concerning the impugned Refusal Check slip vide RFL/MANGALAM/3/2024 dated 20.2.2024 and quash the same as illegal and consequently direct the respondent to register the Sale deed dated 12.2.2024 executed by the petitioners forth with.

For Petitioners : Mr.K.Karthikeyan
For Respondent : Mr.P.Harish
Government Advocate



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ORDER

WEB COPY Aggrieved by the refusal on the part of the respondent to register the slip dated 20.02.2024, presented by the petitioners, the petitioners are before this Court.

2.The short brief facts are set out herein below:-

The petitioner constituted a Hindu undivided family owning various extents of lands and his grandfather Annamalai Gounder was the Karta of the said lands. On 03.07.1997, these lands were partitioned between Annamalai Gounder and his two sons Lakshmanan and Jayaraman and thereafter on 12.05.2020, Annamalai Gounder had executed two register settlement deeds in favour of the petitioners and handed over possession to them. The petitioners were in possession and enjoyment of the same since then.

3.Since the petitioners were in need of money to meet certain family commitments they had decided to sell the property to one G.Krishnan, and a sale deed was also executed on 12.02.2024. The respondents had given the time slot on 20.02.2024, between 12.00 noon and 1.00 p.m. When the sale deed was presented for registration the same



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was refused on the ground that the sale deed was against the 55 A of the Registration Rules. In the refusal check slip, it is further stated that protest petition by one Pandurangan son of Lakshmanan had been filed on 21.07.2023. Challenging the same, the Writ Petition has been filed.

4. Heard the learned counsels on either sides. The learned Government Advocate takes notice on behalf of respondent.

5. A perusal of the impugned refusal check slip, does not indicate as to how the document is contrary to Rule 55 A of the Registration Rules. Further the Division Bench of this Court in the judgment of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4) CTC 769]***, has held that Rule 55 A is unconstitutional. That apart, the protest petition which has been filed is not tagged by any orders of the Court. Therefore, the respondent cannot rely upon the same to refuse registration. Therefore, the Writ Petition is allowed. The impugned refusal check slip vide No.RFL/MANGALAM/3/2024 dated 20.2.2024 is set aside. A direction is issued to the respondent to register the sale deed within a period of two weeks from the date of its representation.



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WEB COPY 6. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2025

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

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To
The Sub Registrar,
Office of the Sub Registrar,
Mangalam,
Thiruvannamalai.

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