



W.P.(MD) No.6795 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.6795 of 2025

S.Naveen Prakash	...	Petitioner
Vs		
1 The District Registrar, Sivagangai District.		
2 The Sub Registrar, Kalayarkoil Taluk, Sivagangai District.	...	Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to impugned refusal check slip, dated 21.02.2025, of the 2nd respondent in respect of lands in S.No.288/3C in Mangalam Village, Palkulam Group, Kalayarkoil Taluk, Sivagangai District, belonging to the petitioner herein, and quash the same and consequently direct the 2nd respondent to register the sale deed, dated 21.02.2025, executed by the petitioner.



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For Petitioner : Mr.R.Rajesh Kumar

For Respondents : Mr.P.T.Thiraviyam,
Govt. Advocate.

ORDER

The petitioner states that the land situated in Survey No.288/3C, Mangalam Village, Palkulam Group, Kalayarkoil Taluk, Sivagangai District, belonged to one Murugappan. The said Murugappan had purchased the property on 19.03.2012. Murugappan executed a sale deed in favour of the petitioner on 21.02.2025. When he presented the document for registration, it was refused, on the ground that, for the very same survey number, a document had been executed in favour of one K.Muthukannu. The second respondent issued Refusal Check Slip, stating that he was unable to register the document, on account of the fact that there was a pre-existing document and if the petitioner's document was registered, it might result in double entry. Challenging the same, the present Writ Petition.

2. I have heard Mr.R.Rajesh Kumar, learned counsel for the petitioner; and Mr.P.T.Thiraviyam, learned Government Advocate, for the respondents.



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3. Mr.Rajesh Kumar reiterated the contentions raised in the affidavit.

4. Mr.Thiraviyam has obtained written instructions from the Sub-Registrar, Kalayarkoil, to the effect that Refusal Check Slip had been issued on account of the pre-existing sale deed in favour of Muthukannu in Document No.105/1995. He also refers to a Circular, that had been issued by the Inspector General of Registration, calling upon the Sub-Registrars, not to proceed further in such matters till a decision is taken by a Division Bench of this Court, on the constitutional validity of Section 77-A of the Registration Act.

5. I have carefully considered the submissions of both sides.

6. In so far as issuance of Refusal Check Slips on account of double entry is concerned, it has been settled by Hon'ble Mr.Justice N.Sathish Kumar in *T.Senthilvel v. The District Registrar (Administration)*, in W.P.(MD) No. 22114 of 2024, dated 17.10.2024. The learned Judge held as follows :

"4. At the outset, the petitioner purchased the subject property from the original owner, after the cancellation of power deed. Merely because there is a double entry in respect of subject property, the registration cannot be refused. Hence, the impugned order passed by the second respondent in Refusal Number.R.F.L/Chinnalapatti/51/2023 dated 25.08.2023 is



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WEB COPY *hereby quashed and this Writ Petition is allowed. The second respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. It is for the concerned parties to establish their title before the competent civil Court by adducing property document. No costs."*

This settles the issue in so far as double entry is concerned.

7. With respect to the other aspect of the instructions, that has been given to Mr.P.T.Thiraviyam that a Division Bench is in seizin of the matter, I pointed out that the Division Bench of this Court has already answered the issue on the constitutional validity of Section 77-A of the Registration Act. In *M.Kathirvelu v. Inspector General of Registration*, 2024 (4) CTC 769, a Division Bench of this Court has declared that Section 77-A and 77-B of the Registration Act are unconstitutional. Therefore, there is no necessity to wait for the Division Bench decision, when it has already been pronounced.

8. In the light of the above discussion, this Writ Petition is allowed and the impugned order is quashed. There shall be a direction to the second respondent to register the sale deed presented by the petitioner on 21.02.2025 within a period of two weeks from the date of uploading of this order. No costs.



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9. Post the matter for compliance on 04.04.2025.

14.03.2025

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

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To:

- 1 The District Registrar,
Sivagangai District.
- 2 The Sub Registrar,
Kalayarkoil Taluk,
Sivagangai District.



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V.LAKSHMINARAYANAN, J.

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