

W.P.(MD).No.12701 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.12701 of 2025

Velavan Public Charitable Trust,
Through its Founder,
A.Thangavel

.. Petitioner

Vs.

1.The Inspector General Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.

2.The Sub Registrar,
O/o.the Sub Registrar,
Keelur,
Thoothukudi.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the rejection of the refusal check slip bearing No.RFL/KEELUR/35/2025 dated 04.04.2025 passed by the second respondent herein and quash the same as illegal and consequently direct the second respondent herein to register the sale deed presented by the petitioner herein, relating to the properties described therein, in accordance with the provisions of the Registration Act.

For Petitioner : Mr.V.Shathurthi Raja

For Respondents : Mr.P.T.Thiraviyam
Government Advocate



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ORDER

The Writ Petition is filed challenging the rejection of the refusal check slip bearing No.RFL/KEELUR/35/2025 dated 04.04.2025 passed by the second respondent herein and consequently, to direct the second respondent herein to register the sale deed presented by the petitioner herein, relating to the properties described therein in accordance with the provisions of the Registration Act.

2. It is the case of the petitioner that the property, which is the subject matter of the Writ Petition, was owned by the following persons:

- (i) Lenin,
- (ii) Chellathai,
- (iii) Kamala and

(iv) Premalatha. They have executed a mortgage deed in favour of Indian Overseas Bank on 30.08.2013. On account of default, the property was brought to public auction and M/s.Nila Sea Foods Private Limited was the successful bidder. A sale certificate was issued on 15.03.2023 and the same was registered in Document No.1470/2023. Subsequently, the said Nila Sea Foods Private Limited, represented by its Managing Director Selwin Prabhu, executed a sale deed in favour of the petitioner on 03.04.2025. When the petitioner presented the document for registration, the second respondent refused to register the same on the ground that there was only a



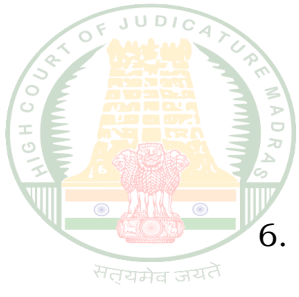
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resolution passed by the Company and consequently, issued a refusal check slip. Challenging the same, the present Writ Petition.

3. I heard Mr.V.Shathurthi Raja for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate for the respondents.

4. A perusal of the resolution passed by M/s.Nila Sea Foods Private Limited shows that authorization had been given to the Managing Director by the Board of Directors to execute sale deeds in favour of M/s.Velavan Public Charitable Trust – the writ petitioner herein. When the document has been executed by a person, authorized by the Company, to alienate the property, issuance of the refusal check slip is untenable. The property belongs to the Company and the Company has decided to alienate the property in favour of the petitioner. The Sub Registrar is entitled to verify the identity of the executant and the purchaser. He is not entitled to probe whether the Company's resolution had been properly passed or not.

5. In the light of the above discussion, the impugned order is quashed. Accordingly, there shall be a direction to the second respondent to register the sale deed presented by the petitioner dated 03.04.2025, if it complies with the requirements of the Registration Act, within a period of two (2) weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Petition is allowed. There shall be no order as to costs.

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29.04.2025

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

To

1.The Inspector General Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.

2.The Sub Registrar,
O/o.the Sub Registrar,
Keelur,
Thoothukudi.



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V.LAKSHMINARAYANAN,J.

Lm

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