

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.437 of 2009

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the learned Single Judge in W.P. No. 21292 of 2008 dated 29.9.2008.

The learned Single Judge has, in the order under appeal, observed that no power is conferred on the registering authority to refuse to register a document when presented for registration except, in respect of the classes of documents mentioned in Section 22-A of the Registration Act, which are prohibited from being registered, and for the circumstances as mentioned in Section 35 thereof; if the registering authority is allowed to refuse to register the documents, then it amounts to permitting him to decide title disputes which power, admittedly, is vested in the Civil Courts; therefore no direction can be given to the Sub-Registrar not to register the documents presented by the unofficial respondents; if the petitioner feels that if the documents, the non-registration for which they filed the writ petition, are registered and the rights of its members would be adversely affected, then, in such an event, they can avail the remedy before the competent Civil Court. Having so held, the learned Single Judge dismissed the Writ Petition making it clear that, if the petitioner is aggrieved by registration of any documents in respect of the lands in question, it was at liberty to avail the remedies available to them under law. Aggrieved thereby, the petitioner in the writ petition has invoked the jurisdiction of this Court.

It is settled law that the registration authority, except in the circumstances mentioned in Section 22-A of the Registration Act and for those referred to in Section 35 thereof, lacks power to refuse registration. In an intra-Court appeal, under Clause 15 of the Letters Patent,

interference is justified only if the order under appeal suffers from a patent illegality.

We find no such infirmity in the order under appeal. The writ appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

21st April, 2017

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