



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **P.D. AUDIKESAVALU**

W.P(MD).Nos.5184 to 5186 of 2016 and
W.M.P(MD).Nos. 4640 to 4642 of 2016 in
W.P(MD).Nos.5184 to 5186 of 2016

V. Indhu : Petitioner in W.P(MD).No.5184/2016
M. Kavitha : Petitioner in W.P(MD).No.5185/2016
C. Nagarajan : Petitioner in W.P(MD).No.5186/2016

Vs.

1. The District Registrar,
(Additional In-charge / Administration),
Madurai (North),
Madurai.

2. The Sub Registrar,
Office of the Sub Registrar,
Thamaraipatti at Chittampatti,
Madurai.

: Respondents in all W.Ps.

Prayer: These Writ Petitions are filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the First Respondent Dated 26.11.2015 in Appeal Nos.2, 1 and 3 of 2015 and the earlier order passed by the Second Respondent dated 31.08.2015 in Na.Ka.No.56 of 2015 and quash the same and consequently, direct the Respondents to register the Petitioners sale deed dated 04.08.2014, 14.03.2014 and 14.03.2014 respectively, earlier assigned with pending Document Nos.32, 17 and 18 of 2014.

For Petitioners
in all W.Ps.

: Mr. N. Dilip Kumar

For Respondents
in all W.Ps.

: Mr. M. Murugan
Government Advocate



COMMON ORDER

1. Heard Mr. N. Dilip Kumar, Learned Counsel for the Petitioner, Mr.R.Murugan, Learned Government Advocate appearing for the Respondents and perused the materials available on record apart from the pleadings of the parties.

2. According to the Petitioners, the Registering Authority wrongfully refused to register the documents presented for registration executed in their favour by their Vendor viz., Prabhakaran @ Pandiyan, on the ground that in one of the parent documents relating to the property that has been produced, the Vendor of the Petitioner does not have any right, and the Appellate Authority has also confirmed the order of the Registering Authority. Aggrieved thereby, the Petitioner has filed these Writ Petitions.

3. Learned Counsel for the Petitioners submits that while examining the documents presented for registration, the Registering Authority has to confine to the question as to whether the executant has title to the property which is sought to be conveyed through the document produced for registration and the Registering Authority ought not to have delved into extraneous matters as to whether such executant had title to certain other properties that had been included in the parent document.

4. There is substantial force in that contention of the Learned Counsel for the Petitioners. The Registering Authority has to examine the matter in the proper perspective, which has not been done in the impugned proceedings in this case. Hence, the impugned orders, passed by the Registering Authority as confirmed by the Appellate Authority cannot be sustained, and are accordingly set aside and the matter is remitted to the Registering Authority to consider the matter afresh on merits and in accordance with law, uninfluenced and uninhibited by any of the observations made in the impugned orders, which have been set aside. Such exercise shall be completed expeditiously and in any event on or before 31.05.2020.

5. These Writ Petitions are disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.



WEB COPY

W.P(MD).Nos.5184 to 5186 of 2016

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: Issue order copy by 26.03.2020

To

1. The District Registrar,
(Additional In-charge / Administration),
Madurai (North),
Madurai.
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