



W.P.No.7547 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.7547 of 2013

and

M.P.No.1 of 2013

Reeta Mary
Represented by her Power Agent,
K.Chandrasekaran

..... Petitioner

Vs.

1. The Inspector of Police,
Economic Offences Wing-II,
Erode District,
Erode-638 001.

2. The Sub Registrar,
Sub Registrar Office,
Kavundapadi,
Erode District.

.....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 order dated 09.01.2013 in Na.Ka.05/IO/EOW/2012 on the file of the 1st



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Respondent, quash the same in so far as the S.F.No.589/4 is concerned and consequently direct the 2nd Respondent to register the documents presented for registration in respect of S.F.No.589/4 Kavundapadi Village, Bhavani Taluk, Erode District without insisting for No Objection Certificate from the 1st respondent.

For Petitioner : M/s.N.Manokaran
For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader.

ORDER

The present petition has been filed seeking the relief of quashment of the impugned order dated 09.01.2013 passed by the 1st Respondent and a direction to the 2nd Respondent to register the documents presented for registration in respect of the subject property without insisting for No Objection Certificate from the 1st Respondent.

2. It is the case of the petitioner that she is the absolute owner of the subject property and the said property was purchased from one Vaithyanathan and Ravikumar vide sale deed dated 21.06.2012. Since then



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the petitioner is in possession and enjoyment of the said property. While being so, the petitioner appointed a General Power Agent had entered into a sale agreement with his purchaser namely Tmt.C.Sundari and the Writ Petitioner having agreed to sell the subject property for Rs.16 Lakhs had received the advance amount of Rs.9 Lakhs. Thereafter, the petitioner's intending purchaser of the said property had approached the 2nd respondent herein for registering the sale deed in respect of the subject property, however, the 2nd respondent had refused to entertain the same insisting the petitioner to obtain the “No Objection Certificate” from the 1st Respondent, as a result of which, the order impugned in this Writ Petition has come to be passed by the 1st Respondent herein. Challenging the same, the petitioner has come up with this Writ Petition.

3. Learned Counsel for the petitioner submits that the issue arises in the Writ Petition is squarely covered in *catena* of decisions and the registering authority cannot refuse to register a document presented to him.



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4. On the above contention, heard the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. The issue arises in this Writ Petition is no longer *res integra* as this Court has repeatedly held that so long as the documents are proper and stamp duty has been paid, it is incumbent on the registering authority to register the document. Reference can be had to the decision of this Court in 2004 (3) L.W.185, wherein, it has been held as under:-

“ Registering Authority is to satisfy itself regarding the execution of the document and not about the right of the person to deal with the property. Law is well settled that even if any document alienating any property is registered, it would not confer right upon the alienee unless the alienor had any right. Purchaser cannot get a better title than that of the vendor. This is a matter, which normally does not come within the domain of the Registering Authority”.

6. In view of the above, this Writ Petition is allowed and the impugned order of the 1st Respondent is set aside and the 2nd Respondent is directed to entertain and register the subject document produced for Registration on payment of necessary stamp duty and registration charges, if



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the same is otherwise in order. No costs. Consequently, the connected
Miscellaneous Petition is closed.

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NHS

Index : Yes / No

Internet : Yes / No

To

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2. The Sub Registrar,
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M.DHANDAPANI, J.

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