



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.13449 of 2012

and

M.P(MD)No.1 of 2012 & W.M.P(MD)No.1683 of 2021

G.Jegadeesan (Died) ... Petitioner

1.J.Vedavalli

2.J.Senthil Kumar

3.Latha ... Substituted Petitioners

(P1 to P3 are substituted vide Court order, dated 08.07.2022 in W.M.P(MD)No.6026 of 2022)

Vs.

1.The Joint (III) Sub-Registrar,
District Registrar Grade,
Town Hall,
Tiruchirapalli.

2.P.N.Sadagopan ... Respondents

3.G.Balan

4.G.Ponnusamy

5.T.Jothir Amalingam

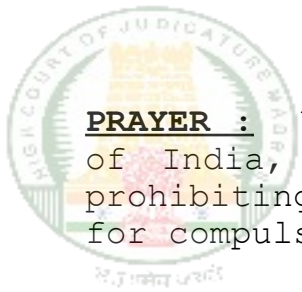
6.T.Akila

7.C.Shenbagam

8.M.P.Pancharethinam

9.D.Punithavathi ... Proposed Respondents

(R3 to R9 are impleaded vide Court order, dated 17.02.2021 in W.M.P(MD)No.1852 of 2021)



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Prohibition, prohibiting the first respondent from conducting any further enquiry for compulsory registration of pending Document No.40/2011.

WEB COPY

For Petitioner : Mr.S.Anwar Sameem
for Mr.T.Antony Arulraj
For R1 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R2 : Mr.S.C.Herold Singh
For R3 & R4 : Mr.Pratap Sudarsan
For R5-R9 : Mr.R.Bharathiraja

ORDER

The present writ petition has been filed seeking a writ of Prohibition, prohibiting the first respondent herein from conducting any further enquiry for compulsory registration of a pending document in Document.No.40/2011.

2. According to the petitioners, the property in dispute belonged to eight persons. Out of the said eight owners, three of them have signed a sale deed, dated 28.11.2010. Admittedly, the rest of the owners, namely the five persons have not signed in the said sale deed. The petitioners have further contended that after execution of the said sale deed, some interpolations were made by the intending purchaser in the said sale deed. Hence, the petitioners, who have already affixed their signature in the sale deed, have refused to appear before the first respondent for registering the said document.

3. The learned counsel for the petitioners has further contended that the first respondent has proceeded to conduct an enquiry to verify with regard to the genuineness of the execution made by the petitioners herein, who are the three owners, who have already affixed their signature in the sale deed. The learned counsel for the petitioners had further contended that as per the provisions of The Registration Act 1908, when the execution is denied by the executant, the concerned Sub Registrar can only refuse to register the document. He is not empowered to conduct an enquiry with regard to the allegations of execution. The only remedy that is open to the intending purchaser is to approach the District Registrar under Section 73 of The Registration Act, 1908 by way of filing an appeal requesting for compulsory registration. Hence, the enquiry that is being conducted by the Sub-Registrar himself is not sustainable in the eye of law in view of Section 35 (3) of The Registration Act, 1908.

4. The learned counsel for the second respondent, who is the intending purchaser submitted that he would not press the enquiry pending before the first respondent herein. However, he may be



granted liberty to approach the competent Civil Court with regard to his claims over the disputed property. The second respondent undertakes not to proceed with the enquiry pending before the first respondent herein. The said statement is recorded. Hence, nothing survives to be adjudicated in the writ petition.

5. This Writ Petition stands disposed of **with liberty to the second respondent to approach to competent Civil Court with regard to his claims over the disputed property.** No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

(*) Amended as per the order of this Court dated 22.07.2022 and made in WP(MD).No. 13449 of 2012

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/08/2022

Sub Assistant Registrar(CS)

gbg

To

The Joint (III) Sub-Registrar,
District Registrar Grade,
Town Hall,
Tiruchirapalli.

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-31568[F] dated 14/07/2022)

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-31623[F] dated 14/07/2022)

+1 CC to M/s.SPL.GP (SR-31695[F] dated 14/07/2022)

W.P. (MD) .No.13449 of 2012
13.07.2022

KG(CO)
KB(11.08.2022) 3P 5C