

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19470 of 2021 and
W.M.P.(MD)No.16183 of 2021

Ariyamuthu

... Petitioner

Vs.

1. The District Registrar,
Palayamkottai, Kokkirakulam,
Tirunelveli District.

2. The Sub Registrar,
Melapalayam,
Tirunelveli District.

3. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

4. Selva Raj

5. S.Kumaran

6. S.S.Mohamed Aatham
(R-5 & R-6 are impleaded vide Order dated
25.07.2022 in W.M.P.(MD)No.189 of 2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Certiorarified Mandamus, calling for the records of the impugned Refusal Check slip

order of the second respondent No. 54/2021 dated 22.10.2021, quash the same and consequently direct the first respondent to initiate appropriate enquiry as contemplated under Sec.77(A) of Registration Act and to register the release deed executed in favour of the petitioner by other co-owner for S.No.691/A1, 689/B, 691/b, 689/A1A1 and 671/1 of Puthukulam Village, Palayamkottai Taluk, Thirunelveli District.

For Petitioner : Mr.Sricharan Rangarajan,
for Mr.A.Srinivasan.

For R-1 to R-3 : Mr.J.K.Jayaseelan,
Additional Government Pleader.

For R-4 : No appearance.

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner is the brother of one Janaki. The said Janaki presented the petition mentioned release deed dated 18.10.2021 before the second respondent. The second respondent declined to register the document and issued the

impugned refusal slip dated 22.10.2021. Questioning the same, this writ petition has been filed.

3. It is seen that the primary ground on which the second respondent had declined to register the release deed is that in respect of the petition mentioned property, one Selvaraj had already plotted out the same and sold out in favour of number of persons. The subsequent purchasers have been impleaded respondents 5 and 6.

4. The stand of the registering authority is that the right and title of the releasor is not quite clear and that therefore the release deed could not be registered. The learned counsel appearing for the writ petitioner drew my attention to the decision reported in **2021 (2) CTC 526 (Sivanadiyan V. Sub Registrar, Pudukottai, Pudukottai District W.P.(MD)No.19745 off 2020 dated 11.02.2021)**. A learned Judge of this Court has held that it is not the function of the registering authority to go into the issue of title. In this case, it is not as if the parties to the document are utter strangers. The petitioner has enclosed in the typed set of

papers copies of the revenue proceedings that have taken place between one Pool Pandiyan and Chelladurai Pandiyan, Selvaraj and others. The writ petitioner and his sister are the children of the said Pool Pandiyan. The revenue authority had included the name of Pool Pandiyan and other co-owners as joint pattadhars. Since the name of the executant of the petition mentioned release deed is included in the revenue record and in view of the aforesaid decision of the Madras High Court, I hold that the second respondent has erred in declining to register the petition mentioned release deed. In this view of the matter, the impugned refusal check slip is quashed. The petition-mentioned document shall be registered subject to fulfilment of the other formalities. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

17.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The District Registrar,
Palayamkottai, Kokkirakulam,
Tirunelveli District.
2. The Sub Registrar,
Melapalayam,
Tirunelveli District.
3. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.19470 of 2021

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