



WEB COPY



W.P.No.2709 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2709 of 2023

P.Rajkumar

...Petitioner

-Vs-

1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram, Chennai – 600 028.

2.The District Registrar,
Dharmapuri District Registrar Office,
45H7-FCC, Gandhi Nagar,
Dharmapuri District – 636 701.

3.The Sub-Registrar,
Pappireddipatti Sub-Registration Office,
W978-X9FM Pappireddipatti,
Dharmapuri District – 636 905.

4.A.Subramani

5.A.Thangavel

6.A.Venkatachalam

7.Chinnathayi



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8.Parvathy

9.Dhanalakshmi

...Respondents

[R4 to R9 impleaded as per order dated
18.04.2023 made in W.M.P.No.11571/2023]

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Refusal Check Slip dated 22.12.2022 issued by the third respondent in Refusal No.RFL/PAPPIREDDIPATTI/36/2022 and quash the same and consequentially issue a direction to the third respondent to receive and register the release deed dated 22.12.2022 executed by P.Senthil Kumar and P.Sankar to and in favour of petitioner herein.

For Petitioner	:	Mr.R.Krishnan
For R1 to R3	:	Mr.C.Jayaprakash, Government Advocate
For R4 & R8	:	No appearance

ORDER

The refusal check slip dated 22.12.2022 issued by the third respondent is sought to be quashed in the present Writ Petition.



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2. The petitioner presented a release deed to release the property in favour of his brothers. The documents presented for registration was returned by the Sub-Registrar on the ground that the petitioner has to establish the title with reference to the partition deed of the year 1984. That apart, the death certificate of the petitioner's grand father was also not produced. The civil rights of the parties cannot be determined by the registering authority while registering the documents. If at all any civil dispute exists between the parties, it is left open to them to approach the Civil Court of law. Contrarily, the registering authority cannot go into the title of the property for the purpose of proceeding with the registration.

3. In respect of the mortgage, the learned counsel for the petitioner states that it was redeemed on 19.01.1994 and the said document was also produced before this Court.

4. The reason stated in the impugned refusal slip itself indicates that the registering authority has made an attempt to trace out the title regarding the subject property and such a power has not been conferred on the



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registering authority under the provisions of the Registration Act. The Sub-Registrar is empowered to verify the original title document for the purpose of identification of the persons presenting the documents and he cannot go further to scrutinize the civil rights of the parties.

5. In view of the facts and circumstances, the impugned refusal check slip issued by the third respondent dated 22.12.2022 is quashed. Consequently, the third respondent is directed to proceed with the registration by verifying the original documents, in accordance with the provisions of the Registration Act. The said exercise is directed to be completed within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs.

25.07.2023

Index:Yes
Neutral Citation:Yes/No
Speaking order
hvk



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S.M.SUBRAMANIAM, J.

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