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W.P.No.3214 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3214 of 2023

and

W.M.P.Nos.3273 of 2023

1. K.Thiruvengadam (Deceased)
2. Sudha Mathi
3. Kalaiarasi
4. Shankar ... Petitioner
(P2 to P4 substituted as LR's of deceased sole petitioner vide order dated 23.06.2023 made in WMP.17924/2023 in WP.3214/2023 by SMSJ)

Vs.

1. The Inspector General of Registration,
Santhome, Chennai-600 028.
2. The Deputy Registrar,
Chengalpattu District, Chengalpattu.
3. The Sub Registrar
Office of S.R.O., Sunkuvar Chatram,
Chengalpattu District.
4. P.Rajendran ... Respondents
(R4 impleaded vide order dated 13.02.2023 made in WMP.4017/2023 in WP.3214/2023 by RSKJ)



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings No.RFL / Sunkuwarchatram / 1 / 2023 dated 18.01.2023 passed by the 3rd Respondent herein and quash the same and consequently direct the 2nd and 3rd respondents herein to register the Settlement deed submitted by the petitioner on 18.01.2023 situated at comprised in survey No.108/1, Mudukur village, having an extent of 1.59 acres.

For Petitioner : Mr.R.Ramesh

For Respondents
R1 to R3 : Mr.D.Ravichander, Spl.G.P.

ORDER

The refusal cheque slip issued by the Sub Registrar, declining the request of the writ petitioner to register settlement deed is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the petitioner submitted that the originally petitioner who filed the writ petition died and his legal heirs are substituted in the present petition. The petitioners state that they are the absolute owner of the subject property described in the writ petition.



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3.The original deceased writ petitioner K.Thiruvengadam presented a settlement deed before the Sub Registrar for registration. The Sub Registrar has gone into the details regarding the title and accordingly, returned the document along with the impugned refusal check slip stating that there is a discrepancy in respect of the title and ownership.

4.The registering authority is not empowered to adjudicate the title or ownership in respect of the properties. The original documents are to be produced only for verification and not to adjudicate the Civil rights of the parties. The dispute regarding the Civil Rights between the parties are to be adjudicated only before the competent Civil Court of law and excess exercise of power by the registering authority to consider the issues relating to civil rights are impermissible.

5.The issues relating to adjudication of civil rights by the registering authority has been dealt with by the Supreme Court in the case of ***Satya Pal Anand v. State of Madhya Pradesh, (2016) 10 SCC 767***. The 3 judges Bench of the Hon'ble Supreme Court of India ruled as follows:

“41. Section 35 of the Act does not confer a quasi-judicial power on the Registering Authority. The Registering Officer is expected to reassure that the document to be registered is



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accompanied by supporting documents. He is not expected to evaluate the title or irregularity in the document as such. The examination to be done by him is incidental, to ascertain that there is no violation of provisions of the 1908 Act. In Park View Enterprises [Park View Enterprises v. State of T.N., AIR 1990 Mad 251 : 1989 SCC OnLine Mad 273] it has been observed that the function of the Registering Officer is purely administrative and not quasi-judicial. He cannot decide as to whether a document presented for registration is executed by person having title, as mentioned in the instrument. We agree with that exposition.”

6.The correctness of the document has to be verified for registration with reference to the procedures contemplated under the rules framed under the Act. Beyond such verification, the registering authority shall not adjudicate the civil rights of the parties by scrutinizing the correctness of the title or ownership or otherwise. More so, even if any ambiguity or any irregularity in the matter of title or ownership, it is for the parties to adjudicate the issues before the competent Civil Court of law and the registering authority in such circumstances has no jurisdiction to return the document on the ground that there is a defect in the title.

7.In the present case, the order impugned reveals that the document



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presented by the writ petitioner was returned on the ground that there is a defect in the title. Such a ground stated in the impugned order is untenable and beyond the scope of the powers conferred on the registering authority under the Registration Act.

8. In view of the facts and circumstances, the order impugned passed by the 3rd respondent in proceeding no. RFL/Sunkuwarachatram/1/2023, dated 18.01.2023, is quashed and the 3rd respondent is directed to proceed with the registration by following the procedures if the document presented by the petitioner is otherwise in accordance with the procedures as contemplated.

9. Accordingly, the writ petition stands **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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To

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1. The Inspector General of Registration,
Santhome, Chennai-600 028.
2. The Deputy Registrar,
Chengalpattu District, Chengalpattu.
3. The Sub Registrar
Office of S.R.O., Sunkuvar Chatram,
Chengalpattu District.



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S.M.SUBRAMANIAM. J.,

(sha)

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