



W.P.No.6644 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.No.6644 of 2023

Ramasamy

... Petitioner

Vs

The Sub Registrar,
Pappireddipatti,
Dharmapuri District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in Refusal Number RFL/பாபிபெரட்டிப்பட்டி./4/2023 dated 08.02.2023 and to quash the same as illegal and unsustainable and further direct the respondent to admit and register the partition deed dated 08.02.2023 executed among the petitioner and legal heirs of Pannerselvam with respect to properties in Sembianoor Village, in S.No: 13/2, measuring an extent of Acre 1.57 cents, in S.No:22/1, measuring an extent of 10.5 cents, in S.No:22/2, measuring an extent of Acre 1.98 cents, in S.No:22/3, measuring an extent of Acre 2.45 cents, in S.No:13/2, measuring an extent of Acre 1.57 cents, in S.No:22/1, measuring an extent of 4.5 cents, in S.No:22/2, measuring an extent of Acre 2.53 cents, in S.No:22/3, measuring an



W.P.No.6644 of 2023

extent of Acre 2.1 cents, in S.No:13/1, measuring an extent of 32.25 cents, in S.No:22/1, measuring an extent of 5 cents and in Bommidi Village, in S.No:111/1, measuring an extent of 4046.86 sq.mtr.

For Petitioner : Mr.T.M.Pappiah Duraikkan

For Respondent : Mr.D.Ravichander
Special Government Pleader

ORDER

The Refusal Check Slip issued by the respondent in proceeding dated 08.02.2023, is to be quashed in the present writ petition.

2. The petitioner states that he presented a Partition Deed for registration. The Partition Deed is sought to be registered based on the Judgment and Decree passed in an Appeal Suit in A.S.Nos.109 & 957 of 2005 dated 23.12.2005.

3. The Registering Authority returned the documents on the ground that the petitioner is not a owner of the subject property and there is a dispute between the petitioner and other persons.



W.P.No.6644 of 2023

WEB COPY

4. The Registering Authority is not empowered to adjudicate the title or ownership in respect of the properties. The very purpose and object of verification of the original documents are to ensure whether the documents presented by a person is tallying with the original or not.

5. In the event of any title dispute or otherwise, the parties are to be relegated to the Civil Court for adjudication. Contrarily the Registering Authority has to verify the powers of the Civil Court and make a finding with reference to the civil rights of the parties. Such an adjudication or finding is beyond the scope of the provision of the Registration Act, 1908.

6. More so, under Rule 55 of the Registration Rules, the Registering Authorities are not empowered to adjudicate the title to verify the validity of the document. That being the scope of the powers conferred under the Registration Act and Rules, the present impugned order passed by the Registration Authority adjudicating the civil rights of the parties is untenable.



W.P.No.6644 of 2023

WEB COPY

7. The Registering Authority shall ask the petitioner to produce the original documents. He can verify the original documents with reference to the schedules or the parts for the purpose of completing the registration and any findings regarding the civil rights of the parties will be untenable.

8. Accordingly, the order impugned passed by the respondent in proceeding dated 08.02.2023 bearing Refusal Number RFL/பாப்பிளெட்டிப்பட்டி./4/2023 is quashed. The respondent is directed to proceed with the registration, if the document presented by the writ petitioner is otherwise in accordance with the provisions of the Registration Act, 1908. The registration is to be done by following the procedures as contemplated.

9. With the above observations and directions the writ petition stands allowed. No cost.

22.06.2023

Index : Yes/ No
Neutral Citation : Yes/No
Speaking/Non-speaking Order
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W.P.No.6644 of 2023

To

The Sub Registrar,
Pappireddipatti,
Dharmapuri District.



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W.P.No.6644 of 2023

S.M.SUBRAMANIAM, J.

rgm

W.P.No.6644 of 2023

22.06.2023