



WEB COPY

W.P.No.8725 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8725 of 2023

and

W.M.P.No.8909 of 2023

R.Kondappan

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
Tiruppur.

3.The Sub-Registrar,
Avinashi,
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip issued by the 3rd respondent in RFL/Avinashi/17/2022 dated 13.09.2022 and quash the impugned order dated 13.09.2022 and consequently direct the respondents herein to receive and register the settlement deed dated 13.09.2022 executed by the petitioner



in favour of his daughter B.Jalapriya in respect of the immovable property measuring about 1.85 acres and 29 cents comprised in S.F.No.199/2 A1 A1 and S.F.No.200/2 at Ettiveerampalaym Village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.E.Sunda Ram,
Government Advocate

ORDER

The Refusal Check Slip issued by the 3rd respondent / the Sub-Registrar refusing to register the Sale Deed presented by the petitioner is under challenge in the present writ petition.

2. The petitioner states that he is the absolute owner of the lands measuring an extent of 1.85 acres comprised in S.F.No.199/2A1A1 and 29 cents in S.F.No.200/2 at Ettiveramapalaym Village, Avinashi Taluk, Tiruppur District. The petitioner purchased the land in the year 1993. He had borrowed money from one Velusamy as a security for loan transaction and executed a Sale Agreement on 11.09.1997, in respect of the subject property in favour of one Velusamy and the Sale Agreement was executed only for the land transaction and it was registered before the Sub-Registrar Office, Avinasi, as Document No.3281 of 1997. The petitioner had repaid



the loan amount long back and even after repayment of the loan amount, the original title documents were not handed over to the petitioner by one Velusamy. Thus, the petitioner is unable to produce the original document for registering the Sale Deed, which is now presented before the 3rd respondent / the Sub-Registrar.

3. Citing the Sale Agreement registered in the year 1997, the 3rd respondent / the Sub-Registrar refused to register the Sale Deed presented by the writ petitioner. The registering authority is not empowered to adjudicate the disputed issues of civil nature between the parties. The petitioner states that he had repaid the loan amount but the said one Velusamy has not returned the original documents. However, it is a dispute between the petitioner and one Velusamy, which is to be resolved between them. The registering authority cannot venture into an adjudication of such disputes between the parties.

4. In the event of non-availability of original documents, the petitioner is at liberty to submit the certified copy of the documents for verification and establishing his title and based on the certified copy, the



registering authority shall register the Sale Deed presented by the writ petitioner. If the registering authority found any procedural violation or otherwise with reference to the provisions of the Registration Act, then alone the documents presented may be returned. In all other circumstances, the registering authority is bound to register the documents, if the documents presented are in consonance with the provisions of the Registration Act and the Rules in force.

5. In the event of any dispute, the parties have to be relegated to the Civil Court of law. Contrarily, the registering authority cannot adjudicate the disputes of civil nature and findings or pass orders for refusal of such documents. Thus, the reason stated in the impugned Refusal Check Slip is beyond the jurisdiction and powers of the registering authority under the Registration Act.

6. Accordingly, the impugned Refusal Check Slip in RFL/Avinashi/17/2022 dated 13.09.2022 passed by the 3rd respondent / the Sub-Registrar is quashed and the 3rd respondent / the Sub-Registrar is directed to proceed with the registration, if the documents presented by the



writ petitioner is otherwise in accordance with the procedures as contemplated and complete the process within a period of four weeks from the date of receipt of a copy of this order.

7. With these observations, the writ petition stands allowed.

Consequently, the connected miscellaneous petition is Closed. No costs.

14.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The Inspector General of Registration,
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2.The District Registrar,
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3.The Sub-Registrar,
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Tiruppur District.



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S.M.SUBRAMANIAM, J.

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