



W.P.No.18960 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18960 of 2023

A.Kulandaivel

... Petitioner

Vs.

1.The Sub Registrar,
O/o. Sub Registrar,
Namagiripettail,
Namakkal District.

2.R.Jeyakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records leading to the passing of the impugned order dated 01.06.2023 and quash the same and consequently direct the 1st respondent to receive the sale deed dated 01.06.2023 and proceed in accordance with law with in the time frame to be fixed by the Court.



For Petitioner : Mr.A.Arun Babu
For R1 : Mr.D.Ravichander
Special Government Pleader
For R2 : Mr.L.Naveen Kumar

ORDER

The impugned refusal check slip issued by the 1st respondent in proceedings dated 01.06.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that he is the owner of the subject property described in the present writ petition. The petitioner presented a sale deed for registration. The documents were returned along with the impugned refusal check slip on the ground that the 2nd respondent / Mr. R.Jeyakumar raised an objection for registering any document. In other words the objections submitted by the private person has been entertained for the purpose of refusal of registration by the 1st respondent.

3. As far as the private objections are concerned, there is no provision to entertain the same under the Registration Act for the purpose of refusal of registration. Refusal of registration can be made by the Registering Authority



only in respect of the cases falling under Section 22-A and 22-B of the Registration Act. In respect of all other documents, the persons raising an objection has to approach the Competent Civil Court of Law for the purpose of establishing their right.

4. If at all the 2nd respondent is aggrieved from and out of the document presented by the petitioner he has to approach the Civil Court of Law for the purpose of redressal of his grievances. Contrarily, the Registering Authority is not empowered to refuse registration under the provisions of the Registration Act.

5. In view of the facts and circumstances, the impugned refusal check slip issued by the 1st respondent dated 01.06.2023 is quashed. The 1st respondent is directed to complete the process of registration by following the procedures as contemplated within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition stands allowed. No costs.

01.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Sub Registrar,
O/o. Sub Registrar,
Namagiripettai,
Namakkal District.



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S.M.SUBRAMANIAM, J.

Jeni

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