



WEB COPY

W.P.No.20394 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20394 of 2023
and
W.M.P.No.19758 of 2023

J.Ramakrishnan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Deputy Registrar,
Registration Department,
Government of Tamil Nadu,
Udhagamandalam,
The Nilgris – 643 001.

3.The Sub-Registrar,
Kotagiri Taluk, Kotagiri,
The Nilgris – 643 217.

4.The Commissioner -cum- Block,
Development Officer,
Panchayat Union,
Kotagiri – 643 217.

... 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 relating to the order dated 25.04.2023 issued by the Sub-Registrar, Kotagiri Taluk, the Nilgris, the 3rd respondent herein, thereby refusing to receive and register the Settlement Deed dated 25.04.2023 executed by the petitioner to and in favour of Mrs.S.Rani, settling an extent of 20.75 cents of land situated at Kotagiri Taluk and quash the same and consequently direct the 3rd respondent to register the said Settlement Deed.

For Petitioner : Mr.T.R.Sathiya Mohan

For R1 to R3 : Mr.C.Jayaprakash,
Government Advocate

For R4 : Mr.E.Sunda Ram,
Government Advocate

ORDER

The Refusal Check Slip dated 25.04.2023 issued by the 3rd respondent / Sub-Registrar, Kotagiri, is under challenge in the present writ petition.

2. The petitioner presented a Sale Deed for registration and the 3rd respondent / Sub-Registrar had returned the documents along with impugned Refusal Check Slip by stating that the Block Development



WEB COPY

Officer, Kotagiri submitted an objection letter for registration of the documents, since the land belongs to the Government. Based on the objections given by the Block Development Officer, Kotagiri, the 3rd respondent / the Sub-Registrar has refused to register the sale deed that was presented by the writ petitioner.

3. The learned counsel for the petitioner relied on the preliminary decree passed in a partition suit in O.S.No.182 of 1977 dated 16.09.1978. Admittedly, it was a Suit for partition and a preliminary decree was also passed. Thereafter, final decree proceedings were initiated and accordingly, the final decree was passed.

4. The learned counsel for the petitioner states that the petitioner had already initiated the contempt proceedings. During the pendency of the civil disputes and contempt proceedings before the High Court, this Court, in a writ proceedings, cannot adjudicate the disputed facts between the parties.

5. Let us consider the powers of the registering authority under Section 22-A of the Registration Act. Sub Clause (iv) of Sub Section (1) to



Section 22-A of the Registration Act, stipulates that “of Waqf which are under the superintendence of the Tamil Nadu Waqf Board established under the Waqf Act, 1995 (Central Act 43 of 1995). Further Section 22-A denotes that “Notwithstanding anything contained in this Act, the Registering Authority shall refuse to register any of the documents stipulated in Sub Section (1). Therefore, the Registering Authority has no option but to refuse to register the documents, if those documents are falling under anyone of the clauses stipulated in Sub Section (1) to Section 22-A of the Registration Act.

6. Therefore, if any objections are raised by the Government authorities for registration in respect of any property, then the registering authority has to refuse to register the same. However, the registering authority cannot conduct an adjudication in respect of the objections or civil rights between the parties. In other words, the registering authority is incompetent to decide the dispute between the parties under Section 22-A of the Registration Act. He can act only in accordance with Section 22-A and the parties have to resolve the issues by approaching the competent Court of law.



WEB COPY

7. This being the scope of the powers conferred to the registering authority, he can refuse the registration based on Section 22-A of the Act, but cannot adjudicate the disputed facts between the parties.

8. In the present case, the impugned Refusal Check Slip was issued based on the objections submitted by the Block Development Officer, Kotagiri. Accordingly, the registering authority refused to register the settlement deed, which was presented by the petitioner. Several litigations have been initiated on earlier occasions and the judgment and decree was also passed also has been passed in the year 1978 itself. Those civil disputes cannot be adjudicated neither by the registering authority nor in a writ proceedings before the High Court under Article 226 of the Constitution of India. Therefore, the writ petitioner is at liberty to pursue his remedy before the competent Court of law for redressal of his grievances and this Court do not find any infirmity in the order impugned passed by the registering authority.



W.P.No.20394 of 2

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

WEB COPY

11.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes



To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.
2. The Deputy Registrar,
Registration Department,
Government of Tamil Nadu,
Udhagamandalam,
The Nilgris – 643 001.
3. The Sub-Registrar,
Kotagiri Taluk, Kotagiri,
The Nilgris – 643 217.
4. The Commissioner -cum- Block,
Development Officer,
Panchayat Union,
Kotagiri – 643 217.



WEB COPY



W.P.No.20394 of 2

S.M.SUBRAMANIAM, J.

skr

W.P.No.20394 of 2023

11.07.2023