



W.P.No.20011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.20011 of 2023

Shree Murugan

... Petitioner

Vs.

1.The District Registrar,
Office of Registration Department,
Dharmapuri District,
Dharmapuri.

2.The Sub-Registrar,
Dharmapuri-West SRO,
Dharmapuri District.

3.Senthamarai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Refusal Check Slip dated 06.06.2023 made in RFL/1/Dharmapuri West Sub Registrar/63/2023 and to quash the same, and consequently to direct the 2nd respondent to register the sale deed presented on 06.06.2023 and to return the original sale deed forthwith.



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For Petitioner : Mr.R.Rajadurai
For R1 and R2 : Mr.D.Ravichander
Special Government Pleader

ORDER

The Refusal Check Slip, dated 06.06.2023, issued by the 2nd respondent/Sub-Registrar, is sought to be quashed in the present writ petition.

2.The petitioner presented the certified copy of the preliminary decree passed in a suit for partition for registration. The Decree Holder raised an objection on the ground that it is a preliminary decree and entertaining the objection, the Sub-Registrar returned the document asking the writ petitioner to re-present the document after obtaining appropriate orders of the Court of Law.

3.Preliminary decree confers right on the parties. In a suit for partition, civil rights between the parties are crystallized through preliminary decree and thus, there is no impediment for registering the



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preliminary decree. Mere objection by any person would be insufficient to return the document, which is otherwise presented in accordance with the procedures contemplated under the Registration Act, 1908. Preliminary decree in a partition suit confers right and therefore, there is no reason to refuse registration merely based on the objection raised by any one of the parties. Such private objections in the absence of an order from the competent Court of Law cannot be entertained by the Registering Authority.

4.Rule 55 of the Registration Rules enumerates that *“It forms no part of a registering officer’s duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document”*. Though exceptions are carved out under Rule 55, when the present case is not falling under any one of the exceptions, there is no impediment for registering the preliminary decree passed by the competent Court of Law in a suit for partition.

5.Accordingly, the impugned order passed by the 2nd respondent in Refusal Check Slip, dated 06.06.2023, made in No.RFL/1/Dharmapuri West



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Sub Registrar/63/2023, is quashed and the 2nd respondent is directed to proceed with the registration, if the document presented by the petitioner is otherwise in accordance with the procedures as contemplated under the provisions of the Act and Rules.

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

10.07.2023

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Internet : Yes

Index : Yes

Neutral citation : Yes

Speaking order / Nonspeaking order

To

1. The District Registrar,
Office of Registration Department,
Dharmapuri District,
Dharmapuri.

2. The Sub-Registrar,
Dharmapuri-West SRO,
Dharmapuri District.



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S.M. SUBRAMANIAM, J.

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