



W.P.No.20213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.20213 of 2023

1.R.C.Chandrasekaran
2.C.Palanisamy

... Petitioners

Vs.

1.The District Registrar,
Tiruppur,
Tiruppur District.

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

... 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 of order, dated 21.06.2023, bearing Refusal Number RFL/Avinashi/79/2023 on the file of the 2nd respondent and quash the same and to consequently direct the 2nd respondent to register and release the sale deed, dated 21.06.2023, to the 2nd petitioner within the stipulated time as fixed by this Court.

For Petitioners

: Mr.K.Myilsamy

For R1 and R2

: Mr.C.Jayaprakash
Government Advocate



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ORDER

The Refusal Check Slip, issued by the 2nd respondent, dated 21.06.2023, is sought to be quashed in the present writ petition.

2.The writ petitioners state that the 2nd petitioner is the absolute owner of the property more fully described in the present writ petition and the 1st petitioner is his vendor. The petitioners have presented the sale deed for registration and it was returned by the 2nd respondent/Sub-Registrar on the ground that the 1st petitioner had registered a sale agreement in favour of one Kumaresan and Logambal in the year 2013. Since the sale agreement was registered in the year 2013, the petitioners are not entitled to register the sale deed in favour of the 2nd petitioner, now presented for registration.

3.The stand taken by the Sub-Registrar is directly in violation of Rule 55 of the Registration Rules. Rule 55 of the Registration Rules reads as follows :

“55.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



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against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

- (a) that the parties appearing or about to appear before him are not the persons they profess to be;*
- (b) that the document is forged;*
- (c) that the person appearing as a representative, assign or agent, has not right to appear in that capacity;*
- (d) that the executing party is not really dead, as alleged by the party applying for registration; or*
- (e) that the executing party is a minor or an idiot or a lunatic.”*

The Sub-Registrar is incompetent to venture into an adjudication of the civil rights between the parties. If the documents presented are in compliance of the procedures contemplated for registration, then the Registrar has no option except to register the same by collecting the registration and other charges.

4.If at all any dispute arises between the parties, it is for them to approach the competent Civil Court for the purpose of resolving the issues. No doubt, the 1st petitioner registered a sale agreement in favour of one



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Kumaresan and Logambal in the year 2013 and now, after a lapse of 10 years, he is presenting the sale deed for registration by entering into an agreement with the 2nd petitioner. If at all any dispute exists with reference to the sale agreement registered in the year 2013, it is for the parties to approach the competent Civil Court for resolving the issues. Contrarily, the Registering Authority cannot raise an objection for registration, if the document is otherwise presented in accordance with the provisions of the Act and Rules.

5. In view of the facts and circumstances, the impugned Refusal Check Slip, dated 21.06.2023, issued by the 2nd respondent, bearing Refusal Number RFL/Avinashi/79/2023, is quashed and the 2nd respondent is directed to proceed with the registration, if the documents presented by the petitioners are otherwise in accordance with the procedures contemplated under the Registration Act and Rules.



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6. With these directions, this writ petition stands allowed. No costs.

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Internet : Yes
Index : Yes
Neutral citation : Yes
Speaking order

To

1. The District Registrar,
Tiruppur,
Tiruppur District.

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



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S.M. SUBRAMANIAM, J.

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