



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 07-11-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.3053 of 2023

S.Ilayaraja

...

Appellant

-VS-

1.The Joint Sub-Registrar No.1,
Kallakurichi.

2.Murugesan

...

Respondents

Appeal under Clause 15 of the Letters Patent against the order, dated 27.07.2023, passed in W.P.No.19534 of 2023.

For Appellant : Mr.N.Suresh

For Respondent 1 : Mr.E.Vijay Anand,
Addl.Govt.Pleader.

**JUDGMENT**(By *S.Vaidyanathan,J.*)

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This *intra-court* has been filed challenging the order, dated 27.07.2023, passed in W.P.No.19534 of 2023.

2. The case of the appellant is that he presented a sale deed through online for registration, which was taken as P5/2023, and the first respondent Sub-Registrar has not registered the document on the ground that two sets of documents are registered by two persons in respect of the same subject property.

3. Admittedly, there is no endorsement of refusal by the authority to register the document. According to the appellant, from the vendor, namely, K.Palanisamy, he sought to purchase the subject property, for which the document was presented for registration; that one third party had approached the authority with a sale agreement and that it was not that there were two registered documents pertaining to the same property, which existed on the date when P5/2023 was presented.

4. We do not want to go into that question for the present, as there is no endorsement of refusal or any other order passed by the Sub-Registrar. Under Section 71 of the Registration Act,1908, the authority is expected to pass necessary orders. In case the document is re-presented by the petitioner, the authority is directed to pass necessary orders within one week from the date of re-presentation of the document and, if more than one document is registered with regard to the same property, appropriate



decision can be taken by the authority and the same communicated to the parties, whereupon, if the appellant is aggrieved, it is open for him to challenge the same in accordance with law.

5. Writ Appeal is disposed of accordingly. No costs.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
07-11-2023

To

The Joint Sub-Registrar No.1,
Kallakurichi.



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K.RAJASEKAR,J.

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