



W.P.(MD)No.8772 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8772 of 2021

and

W.M.P.(MD).No.6592 of 2021

C.Ananthi

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Karaikudi, Sivagangai District.

2.The Sub Registrar,
Office of the Sub Registrar,
Thiruppathur Taluk,
Sivagangai District.

3.M.Subramanian

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the 1st and 2nd respondents leading to the impugned order of the 2nd respondent dated 21/10/2020 as confirmed by the order of 1st respondent in Na.Ka.No.2407/A1/2020 dated 16/12/2020 and quash the same and consequently direct the 2nd respondent to register the pending document No.32/2020 dated 19/09/2020 or any other document that may



W.P.(MD)No.8772 of 2021

be presented for registration, after receiving the necessary registration charges as per the provisions of the Registration Act, 1908.

For Petitioner : Mr.R.Senthil Kumar
For R-1 & R-2 : Mr.A.K.Manikkam,
Special Government Pleader
For R-3 : Mr.A.Arun Prasad

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent dated 21.10.2020 which was further confirmed by the order of the first respondent dated 16.12.2020 and for a consequential direction to the second respondent to register the pending Document No.32 of 2020, dated 19.09.2020, pertaining to the subject property.

2. Heard the learned counsel on either side.

3. It is an admitted case that the subject property originally belonged to one Muthu and his wife Chinnathal. They died and it is stated that there are totally five legal heirs who were left behind by them. The husband of the petitioner was also one of the legal heirs. The husband of



W.P.(MD)No.8772 of 2021

the petitioner executed a settlement deed in favour of the petitioner on 01.07.2009 and it was registered as Document No.1686 of 2009. By virtue of the same, the petitioner was claiming a right and title over the property. The petitioner wanted to sell the property and hence, she executed a sale deed dated 17.09.2020 in favour of one Dhanalakshmi. When this document was presented for registration, the third respondent gave an objection saying that the other legal heirs have a share over the property. This was considered by the second respondent and the second respondent passed the refusal order dated 21.10.2020. This was further confirmed by the order passed by the first respondent in the appeal dated 16.12.2020. The same has been put to challenge in the present Writ Petition.

4. The main grievance that was expressed by the third respondent is that there were totally five legal heirs and whereas, the petitioner's husband has dealt with the property as if he is the exclusive owner of the property. That apart, the proceedings were held before the Revenue Divisional Officer, Devakottai and at that point of time, an order was passed on 23.12.2019 directing the parties to work out their remedy before the competent Civil Court, since there is a dispute on the title to the



W.P.(MD)No.8772 of 2021

property. Under such circumstances, in order to defeat the right of the third respondent and the other legal heirs, the petitioner was attempting to deal with the property.

5. The jurisdiction of the second respondent to refuse registration of a document is specifically prescribed under Rule 55 of the Registration Rules. For proper appreciation, the objections that can be raised to register a document are as hereunder:

“(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 no 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.”



W.P.(MD)No.8772 of 2021

WEB COPY

6. Unless and otherwise, the dispute pertains to the above mentioned grounds, the Registering Authority does not have the right and jurisdiction to enter into any other dispute. The Registrar does not have any right to deal with the title over the property even if he finds that the validity of the document is under question. This is in view of the fact that the Registration Authority is a creature of statute and he can only exercise such powers that have been specifically provided by the statute. In the instant case, it may be true that the settlement deed dated 01.07.2009 that was executed in favour of the petitioner may not be a valid document, since four other legal heirs are claiming a share over the property. However, till this document is in subsistence, the Registrar cannot prevent the petitioner from dealing with the property. However, the second respondent has disregarded the settlement deed dated 01.07.2009 and has gone into the right and title over the property by recording that the other legal heirs also have a share in the property. Such a finding rendered by the second respondent, is beyond the jurisdiction of the second respondent. Just because the proceeding before the Revenue Divisional Officer winded up by directing the parties to work out their remedy before the Civil Court, that by itself is not a ground for the Sub Registrar to refuse to register the



W.P.(MD)No.8772 of 2021

document.
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7. In the light of the above discussion, the impugned proceedings of the second respondent dated 21.10.2020 which was confirmed by the order passed by the first respondent in Na.Ka.No. 2407/A1/2020 dated 16.12.2020 is hereby quashed. There shall be a direction to the second respondent to entertain the document in pending Document No.32 of 2020 dated 19.09.2020, unless there is any restraint order passed by a competent Civil Court and further the petitioner has fulfilled all the other requirements.

8. In the result, the Writ Petition stands allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.8772 of 2021

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W.P.(MD)No.8772 of 2021

N.ANAND VENKATESH, J

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W.P.(MD)No.8772 of 2021

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