



W.A(MD)No.710 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.710 of 2023
and
C.M.P(MD)No.6189 of 2023**

Selvaraj ... Appellant/4th respondent

-vs-

1.Ariyamuthu ... 1st respondent/Petitioner

2.The District Registrar,
Palayamkottai, Kokkirakulam,
Tirunelveli District.

3.The Sub-Registrar,
Melapalayam, Tirunelveli District.

4.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

5.S.Kumaran

6.S.Mohamed Aatham ... Respondent 2 to 6

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 17.08.2022 passed in W.P(MD)No.19470 of 2021.

For Appellant : Mr.G.Prabhu Rajadurai for
Mr.K.Chengis Khan
For R-1 : Mr.Vijay Shankar
For R-2 to R-4 : Mr.M.Prakash,
Additional Government Pleader



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JUDGMENT

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[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 17.08.2022 made in W.P(MD)No.19470 of 2021, the appellant has filed this writ appeal.

2. The Writ Court had allowed the writ petition basically on the ground that the Registrar cannot go into the question of title while performing the official function of registering the document which is essentially a ministerial function. There are certain revenue records which reflect that the petitioner in the writ petition Ariyamuthu has some interest in the property in question. We do not think that we can go into the validity or otherwise of the revenue proceedings. The law declared by this Court is to the effect that the Registrars cannot refuse registration of documents which are not covered either by Section 22-A or 22-B of the Registration Act. The Writ Court has found that the document in question namely the release deed does not fall within the provisions of Section 22-A or 22-B of the Act. In such circumstances, the Registering Authority has no right to refuse registration on the ground that there is a cloud over the title of the executant. If they are allowed to do so, then they will be usurping the functions of the civil Court and question of title has to be



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gone into only based on evidence and not by the Registrars who are not judicially trained. It is common knowledge that registration of document by itself does not invest title on a person in whose favour document is registered. Hence, we are unable to find fault the Writ Court for having allowed the writ petition. Therefore, the writ appeal fails and it is accordingly dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC :Yes/No
Index :Yes/No
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