



WEB COPY

W.A.No.907 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.907 of 2024

and

C.M.P.No.6322 of 2024

Mr.K.Gopi

... Appellant

Vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
Cheyyur, Chengalpattu District.

2. The Tahsildar,
Chengalpattu,
Chengalpattu District.

3. The District Registrar (Admin),
Office of the District Registrar,
Chengalpattu,
Chengalpattu District.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.10.2023 passed in W.P.No.29807 of 2023.

For Appellant

: Mr.S.Arokia Mani Raj



For Respondents : Mr.P.Ananda Kumar,
Government Advocate

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been filed against the order dated 16.10.2023 passed in W.P.No.29807 of 2023.

2. The petitioner presented Sale Deed for registration under the Registration Act, 1908. The Sub-Registrar refused to register the document on the basis that the petitioner had not established his title and ownership, as required under Rule 55-A of the Registration Rules. Even on earlier occasion, the Writ Petition filed by the petitioner was rejected on the ground that he has to impleaded the legal heirs, since the petitioner claims title based on the unregistered Will. In the event of any doubt regarding title, the registering authority is empowered to return the document under the provisions of the Act. In the present case, the petitioner was granted liberty to workout his remedy in the manner known to law. When doubt arises and the legal heirs are not impleaded, the parties are to be relegated to approach the Civil Court and in the present case, the Writ Court has rightly done so. Thus, we do not find any infirmity in respect of the order impugned.



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3. Accordingly, the Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
20.03.2024

skr
Index : Yes
Speaking order

To

1. The Sub-Registrar,
Office of the Sub-Registrar,
Cheyyur, Chengalpattu District.
2. The Tahsildar,
Chengalpattu,
Chengalpattu District.
3. The District Registrar (Admin),
Office of the District Registrar,
Chengalpattu,
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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