



WEB COPY



WP.No.1043 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.1043 of 2024
and W.M.P.No.1109 of 2022

A.S.Dinesh Kumar

.. Petitioner

Versus

1.The State of Tamilnadu
Rep by Secretary to Government
Commercial Taxes and Registration Department
Fort St.George, Chennai – 600 009

2.The Inspector General of Registration
Mylapore, Santhome, Chennai – 600 004

3.The Sub-Registrar
Purasawalkam
Chennai – 600 007

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the refusal check slip in Refusal No.RFL/Purasaiwalkam/21/2021 dated 27.10.2021 on the file of third respondent and quash the same and direct the third respondent to Register the Release Deed dated 27.10.2021 engrossed on Non- Judicial Papers of Value of Rs.12 000/- executed and presented by petitioner on 27.10.2021 in respect of 1/3rd share in the property i.e., House, Ground and Premises bearing door No.9/5, Venkatesan Street, Chennai- 600 007, measuring 692 Sq.Ft comprised in Old S.No.1796, R.S.No.1656/3, situated at Purasawalkam Taluk, Chennai District which was assigned with provisional number TP/106446875/2021 dated 25/10/2021 and admit for Registration and assign the document number for the release deed to effectively enforcement.



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For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.B.Vijay
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for disposal.

2. Challenging the refusal slip issued by the first respondent refusing to register the release deed dated 27.10.2021 releasing 1/3rd share on the ground that title has not been established and the legal heirship certificate is also not filed.

3. The crux of the counter is that due to non production of legal heirship of the petitioner's paternal aunt, actual share could not be ascertained. Hence, the third respondent has rejected the execution of the release deed.

4. Heard both sides and perused the entire materials placed on record.

5. It is well settled that when the co-owner is executing a release deed in respect of their share, it is their look out, the registrar has no right to go into the title. Even, Rule 55 of the Registration Rules makes it clear that it is not the duty of the registering authorities to look into the title.



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6. Such view of the matter, the impugned order is set aside and there shall be a direction to the respondent to register the release deed dated 27.10.2021 presented by the petitioner. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

7. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Secretary to Government
The State of Tamilnadu
Commercial Taxes and Registration Department
Fort St.George, Chennai – 600 009

2.The Inspector General of Registration
Mylapore, Santhome, Chennai – 600 004

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N. SATHISH KUMAR, J.

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