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W.P.No.3441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27..06..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.3441 of 2024

Sumathi

..... Petitioner

-Versus-

The Sub Registrar,
Kunrathur.

..... Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a *Writ of Certiorarified Mandamus* calling for the records of the respondent relating to the impugned notice Nil dated 02.02.2024 and to quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the release deed dated 13.09.2023 kept pending in Document No.P/Kunrathur/380/2023.

For Petitioner

Mr.R.Poornima

For Respondent

: *Mr.U.Bharanidharan,*
AGP

ORDER

This writ petition has been filed challenging the notice dated 02.02.2024 issued by the respondent and seeking a consequential relief of direction to the respondent to register the release deed presented for registration and release the



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2. The impugned notice has been issued mainly on the ground that details regarding prior document has not been set out in the release deed. According to the petitioner, her husband purchased the property measuring an extent of 1900 square feet comprised in Old S.No.89, New S.No.89/145 situated at Noombal village, Poonamallee Taluk, Tiruvallur District, bearing Plot No.48 at 'Sree Mahalakshmi Nagar' which is the subject matter in the release deed from one R.Palani. They claimed title to the said property by virtue of long possession. After the death of her husband, the petitioner along with her daughter settled the property on Sundar, son of the petitioner. When she presented the release deed, the respondent registering authority refused to register the same and issued the impugned notice.

3. Heard both sides.

4. On a perusal of the impugned notice, this court is of the view that the sub registrar has assumed the role of a civil court to go into the question of title to the subject property. Earlier the vendor of the husband of the petitioner claimed title to the property by virtue of long possession and the revenue records also supported his claim. Already document in respect of the subject property was registered at the instance of one R.Palani in favour of the husband



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of the petitioner and based on that sale deed, subsequent document namely release deed is sought to be registered. As already stated supra, the registering authority cannot assume the role of a civil court and decide the issue of title. The law on the subject has already been settled in a catena of judgements of the Hon'ble Supreme Court as well as this court. This court very recently, in the case of G.Rajasulochana v. The Inspector General of Registration [W.P.NO.29706 of 2022 dated 16.04.2024] has held that issue of title cannot be decided by the registering authority at the stage of registering a document since he is only conducting a limited summary enquiry.

In the result, the writ petition succeeds and the same is allowed. The impugned notice is hereby set aside. The respondent is directed to register the release deed presented by the petitioner for registration, if not already registered, if the papers are otherwise in order, within a period of seven days and return the registered document to the petitioner immediately thereafter. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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N.SATHISH KUMAR.J.,
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