



W.P.No. 7603 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 7603 of 2024

P.Balachandran

... Petitioner

versus

The Sub Registrar,
Avinashi Sub Registrar Office,
Tirupur Registration District.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Manadamus, calling for the records relating to the impugned order made in Refusal Check Slip dated 12.02.2024 in RFL/Avinashi/17/2024 passed by the respondent, and quash the same and consequently, direct the respondent to register the decree dated 30.11.2023 made in O.S.No.177 of 2023 passed by the Sub Court, Avinashi.

For Petitioner : Mr.V.Anandhamoorthy

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

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Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the respondent. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking to quash the impugned order in Refusal Check Slip dated 12.02.2024 in RFL/Avinashi/17/2024 passed by the respondent and consequently direct the respondent to register the decree dated 30.11.2023 made in O.S.No.177 of 2023 on the file of the Sub Court, Avinashi.

3.The learned counsel for the petitioner submitted that the petitioner's father filed a suit in O.S.No.177 of 2023 on the file of the Sub Court, Avinashi, seeking for declaration declaring the cancellation of settlement deed executed by the defendant therein on 28.07.2003 registered as Doc.No.2865/2003 on the file of the Sub Registrar, Avinashi is null and void and further sought for injunction restraining the defendant from in any way alienating or encumbering the suit properties, pending suit, the petitioner's father died and hence, the petitioner and his mother were impleaded as plaintiffs in the said suit and after trial, the trial Court decreed the suit on 30.11.2023. Ever since, the petitioner is in enjoyment of the suit properties.



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That being so, the petitioner presented the judgment and decree in O.S.No.177 of 2023 for registration on 12.02.2024, however, the respondent herein refused to register the same and passed impugned Refusal Check Slip stating that in the suit properties in S.No.494/2, measuring an extent of 0.37 cents in Ettiveerampalayam belongs to one Thirumurthy vide Doc.Nos.10975/2005 and 8723/2023 and Chitta Patta No.5864 also stands in the name of Thirumurthy and S.No.509/1, 2 is in the name of Ettiveerampalayam Panchayat Board vide Doc.No.4947/2023. The learned counsel for the petitioner further submitted that though the Civil Court decided the title in respect of the suit properties in favour of the petitioner, the respondent/Sub Registrar, Tiruppur, has no authority to decide the title of any person and passed impugned order. Therefore, the impugned refusal check slip is liable to be set aside.

4. Heard both sides and perused the materials available on record.

5. It is a settled proposition of the law that the Registrar/Sub-Registrar while registering the document has to exercise their administrative powers and not judicial or quasi-judicial powers. If a document, is presented for registration and the said document is otherwise in order in accordance with Registration Act as well as Stamp Act, it is the duty of the Registrar/Sub-

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Registrar to register the document. If there is any title dispute, the parties can be directed to approach the Civil Court for appropriate remedy. Therefore, the Registrar/Sub-Registrar is not a competent authority to question or testify the title.

6. In view of the above, the impugned Refusal Check Slip dated 12.02.2024 in RFL/Avinashi/17/2024 passed by the respondent herein is set aside and the writ petition is allowed. The respondent is directed to register the document presented by the petitioner, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

The Sub Registrar,
Avinashi Sub Registrar Office,
Tirupur Registration District.



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P.VELMURUGAN, J.
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