



WEB COPY



W.P.No.9407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9407 of 2023

A.Veerasingam

... Petitioner

Vs.

1.The District Registrar,
(Administration),
Dharmapuri District,
Dharmapuri.

2.The Sub Registrar,
Kadathur Sub Registrar Office,
Pappireddipatti Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.487/AA1/2023, dated 03.03.2023 and the order of refusal passed by the 2nd respondent in refusal order No.1/2023 dated 06.01.2023 and to quash the same and consequently, direct the 2nd respondent to register the Settlement Deed dated 12.11.2020 pending document No.1/2023 forthwith and return to the petitioner.



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on the file of the District Munsif Court, Harur, the right of the petitioner has been crystallized. Pursuant to the said decree, he has executed a settlement deed on 12.11.2020 before the second respondent. When the document was kept pending, he approached this Court in W.P.No.24898 of 2022 for return of the documents. However this Court has directed the respondents to conduct enquiry and pass order. Pursuant to the said order, now the impugned order has been passed as if the same survey number, two conveyance deeds has already been executed. Hence, refused for registration.

4. In the counter filed by the second respondent, it is the stand of the second respondent that the subject matter of settlement deed is already a subject matter in the sale deed. Therefore, the registration has been refused.

5. The learned counsel for the petitioner mainly would submit that the petitioner's rights have been crystallized in the decree and judgment of the Civil Court, wherein, the third party is also a party. Further, there was



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no objection whatsoever from any of the parties. Such being the position, the registering authority cannot go into the title.

6. The learned Additional Government Pleader for the respondents would submit that as the same property has already been dealt by way of a sale deed, registration was refused.

7. The document has already been registered. Once the document is registered, this Court is of the view that deciding the issue of the title by the registering authority will not arise at all. Even Rule 55 of the Registration Act makes it clear that the registering authority cannot enter into a title dispute. Even assuming that the same property is already been dealt, the prior document will prevail over the subsequent document. The priority rights has been governed under Section 48 of the Transfer of Property Act. When the substantive provision of law is available, this Court is of the view that the registering authority cannot enter into the title issue. Accordingly, the order impugned rejecting the registration has to be set aside.



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8. With the above observations, this Writ Petition is allowed and the impugned order passed by the 1st respondent in Na.Ka.No.487/AA1/2023, dated 03.03.2023 and the order of refusal passed by the 2nd respondent in refusal order No.1/2023 dated 06.01.2023 are set aside. The second respondent is directed to release the document within a period of 15 days from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

23.04.2024



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To

- 1.The District Registrar,
(Administration),
Dharmapuri District,
Dharmapuri.
- 2.The Sub Registrar,
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N.SATHISH KUMAR, J.

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