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WP.No.11265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11265 of 2024

G.Kaliyaperumal

.. Petitioner

Versus

1. The District Registrar,
Kallakuruchi, Kallakuruchi District.

2. The Sub Registrar,
Thiyagadurugam Registrar Office, Kallakurichi District. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing Refusla Number RFL / Thirygadurugam / 19 / 2024 dated on 11.03.2024 passed by the 2nd Respondent is illegal and quash the same subsequently mandamus directing the 2nd Respondent to register petitioner document bearing Temporary No TP / 176776956 / 2024.

For Petitioner : Mr.M.Bharath

For Respondents : Mr.P.Anandhakumar
Government Advocate

ORDER



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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned order bearing Refusla Number RFL / Thirygadurugam / 19 / 2024 dated on 11.03.2024 passed by the 2nd Respondent as illegal and subsequently direct the second Respondent to register petitioner document bearing Temporary No TP / 176776956 / 2024.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that the wife of the petitioner had purchased to an extent of 2.54 cents in Survey Nos.82/3, 82/4 and 82/5 in Kunniyur Village, Kallakurichi Taluk in the year 1987 and thereafter, the survey number was rectified in the year 1989. Out of the total extent of 2.54 cents, 2.10 cents has been settled in favour of their daughter and remaining 0.44 cents has been retained by the wife of the petitioner. After her death, her legal heirs were in possession of the property. While so, when a settlement



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deed executed in favour of one of the daughter of the writ petitioner was presented for registration, the same has been refused to be registered on the ground that 0.44 cents has already been purchased by one Ramachandra Reddiar prior to the purchase of the property by the wife of the petitioner. Challenging the same, the present Writ Petition has been filed.

5. The respondents have not filed any counter.

6. I have perused entire materials. It is relevant to note that when there is a complaint or any objections, the Sub Registrar cannot go into the title. If at all anyone had purchased the property prior to the wife of the petitioner, their right will always be subject to the prior right created on the property. Mere registration by the subsequent owner will not take away the right created in the earlier document and it is not the duty of the registering authorities to go into the title at the time of registration. This aspect has been elaborately dealt by this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]***. In such view of the matter, the impugned Order is liable to be quashed.

7. Accordingly, this Writ Petition is allowed and the impugned Order of the second respondent dated 11.03.2024 is quashed. The second respondent is



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directed to register the document bearing Temporary No.TP/176776956/2024 within a period of 15 days from the date of receipt of a copy of this Order. No costs.

18.06.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Registrar,
Kallakuruchi, Kallakuruchi District.
2. The Sub Registrar,
Thiyagadurugam Registrar Office, Kallakurichi District.



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N. SATHISH KUMAR, J.

vrc

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