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W.P. Nos.12216 & 12673 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28.06.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.Nos.12216 & 12673 of 2024 and**  
**W.M.P. Nos.13308, 13309, 13823 & 13824 of 2024**

N.Thanapal

... Petitioner in both WPs

Vs

1.The Sub Registrar  
Gandhipuram  
O/o.Sub Registrar, Gandhipuram  
Coimbatore

... 1st Respondent in both  
WPs

2.IWL India Limited Company  
Having office No.W360  
North Main Road  
Anna Nagar West Extension  
Chennai - 600 101  
Represent by its Registered  
Power Agent J.Senthilkumar

3.S.Sheena

... Respondents 2 and 3 in  
W.P. No.12216 of 2024

4.M.Praveen Kumar

5.K.Mary Jacklin Sundari

... Respondents 2 and 3 in  
W.P. No.12673 of 2024



W.P. Nos.12216 & 12673 of 2024

**Prayer in both Writ Petitions:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for records on the file of the 1st respondent in his proceedings Na.Ka. No.21/2023 dated 16.03.2024 and quash the same as illegal, null and void without jurisdiction and consequently direct the 1st respondent to register the sale agreements dated 12.03.2024 entered between petitioner with 2nd respondent.

For Petitioner : Mr.S.Venkatesh  
in both WPs

For Respondents : Mr.P.Kumaresan,  
in both WPs Additional Advocate General  
assisted by Mr.P.Anandha Kumar  
Govt. Advocate for R1

No Appearance for R2 and R3

### **COMMON ORDER**

Challenging the refusal slip issued by the first respondent in refusing to register the Sale Agreements presented by the petitioner, these writ petitions have been filed.

2. It is the case of the writ petitioner that when he presented sale agreements dated 12.03.2024, the same were refused to be registered on the



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ground that there are already sale deeds executed in respect of the same property. The petitioner has presented two sale agreements, viz. (i) for an extent of 2204 Sq.ft. in S. No.229/1C and (ii) for an extent of 2358 Sq.ft. in S. No.236/2B of Vellakinar village. The second respondent, namely M/s.IWL India Limited Company in W.P. No.12216 of 2024 and Mr.M.Praveen Kumar, namely the second respondent in W.P. No.12673 of 2024, have executed the sale agreements in favour of the petitioner on the basis of the title they have acquired from their predecessors. However, the said documents have been refused to be registered citing that Document Nos.9957 of 2006 and 3232 of 2015, registered in the name of the third respondent. Challenging the said refusal slip, these writ petitions have been filed.

3. Though the private respondents have been served with notice and their names are printed in the cause list, they have not chosen to appear either in person or through counsel.

4. The first respondent has not filed any counter. However, the learned Additional Advocate General, appearing for the first respondent would contend



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that as the document has already been registered, there cannot be a second sale in respect of the same property.

5. The learned counsel appearing for the petitioner placed before this court various documents to substantiate that the Power of Attorney dated 19.08.2005 itself was executed by a person, who was not at all have any control over the company. A person who had already resigned on 06.06.2015 had executed such document on 09.08.2005. Pursuant to the said Power of Attorney, a sale deed has been executed on 11.05.2007 in favour of the third respondent, just including that survey number. Hence it is their contention that it is a different number. Further that sale deed did not give any title to the property. The document produced before this court, namely the Form-32 submitted to the Registrar of Companies indicate that the person, who had executed the Power of Attorney has already resigned on 06.06.200t. Having resigned on 06.06.2005, the power deed has been given on 09.08.2005. Thereafter the sale deed has been executed on 11.05.2007.

6. When such being the position, this court is of the view that merely because some entries have been made on the basis of the document executed by



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a person who has no title to the property, the real owner cannot be prevented to deal with the property. Therefore, the registration cannot be refused on the ground of earlier document. Ultimately, the rights will be decided based on the priority rights already created on the basis of the document. Even there are various documents in respect of the same property registered, the right of the parties will be decided on the basis of real title. Such is the case here, it appears that document earlier registered is not emanated from the title holder. When such being the position, it is for the parties to work out their remedy in the civil court to establish their title based on the document they rely. In such view of the matter, the registering authority cannot refuse to register the documents. Hence the impugned order of the first respondent is liable to be quashed.

7. It is also made clear that merely because some parties placing some title on the basis of some document and the document has been registered, it cannot be presumed that those documents will always be registered with the collusion of the Sub Registrar or the Registering authorities. Such a perception is nothing but a misconception. After all, the Sub Registrars or Registrars are performing their statutory duty and except in certain provisions under the Act, they cannot refuse to register the documents. Such being the scenario, merely



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because the document has been registered on the basis of certain title documents placed by the parties, every such registration cannot lead to the inference that sub registrar and other officers also colluded with the parties while entering into such documents to rob them in a criminal case.

8. Accordingly, both the the writ petitions are allowed with the above observation. The impugned order of the first respondent made in his proceedings in Na.Ka. No.21/2023 dated 16.03.2024, is quashed. The Sub Registrar, Gandhipuram, namely the first respondent, is directed to register the documents presented by the petitioner. No costs. Consequently, the connected writ miscellaneous petitions are closed.

**28.06.2024**

Index : Yes / No

Neutral Citation : Yes / No

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- To
- 1.The Sub Registrar  
Gandhipuram  
O/o.Sub Registrar, Gandhipuram  
Coimbatore
  - 2.The Government Pleader  
High Court, Madras



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**N.SATHISH KUMAR, J.**

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