



WP.No.15878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.15878 of 2024

WMP.No.17313 of 2024

K.Gobinathan

.. Petitioner

Versus

The Sub Registrar,
Office of Sub Registrar, Pallikonda, Vellore District.

.. Respondent

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 impugned order of passed by the respondent in Refusal Check Slip No. RFL/ Pallikonda/ 92/ 2024 dated 3.06.2024 thereby refusing to register the document and quash the same as illegal incompetent and without jurisdiction and further direct the respondent to register the Sale deed dated 3.06.2024 presented by petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

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. Challenging the order of the respondent in dated 03.06.2024 refusing to register the sale deed presented by the petitioner, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

4. It is the case of the writ petitioner that the vendor of the petitioner is entitled to $\frac{1}{2}$ share in the property and she agreed to sell the property to the petitioner. The grievance of the petitioner is that when the sale deed was presented for registration, the same was refused to be registered on the ground that vendor of the petitioner is entitled to $\frac{1}{4}$ share in the property. Challenging the same, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner submitted that the



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documents relied on by the registering authority is no way connected with the family property of the vendor of the petitioner. Further the vendor of the petitioner is entitled to half share in the subject property pursuant to the decree passed in O.S.No.665 of 1998 which has been confirmed up to Second Appeal in S.A.No.60 of 2006 on the file of this Court. Hence, submitted that the document relied upon by the respondent is no way connected to the subject property.

6. A perusal of the impugned Order clearly indicate that the same is against the fundamental principles of law and hence, no counter is required. At the outset, this Court is of the view that the registering authorities have no right to go into the title of the property. When a competent Civil Court has decided the rights of the parties on the basis of the documents and when the same has been confirmed upto the second appeal, when a document is presented for registration, the registration authorities refusing to register the sale deed on the ground that the vendor of the petitioner is not entitled to $\frac{1}{2}$ share in the property cannot be sustained in the eye of law. 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



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view of the matter, the impugned Order is liable to be quashed.

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7. Accordingly, this Writ Petition is allowed and the impugned Order passed by the respondent dated 03.06.2024 is quashed and the respondent is directed to register the sale deed dated 03.06.2024 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2024

vrc

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

To

The Sub Registrar,
Office of Sub Registrar, Pallikonda, Vellore District.



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N. SATHISH KUMAR, J.

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