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WP.No.16136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16136 of 2024

1. Baby
2. Vasantha
3. G.Karunakaran
4. Jamuna Rani
5. S.Sahish
6. Savitha
7. Revathi
8. C.Devaraj Suresh
9. Kalavathi
10. Aruna
11. G.Sundar
12. Girija
13. Geetha

.. Petitioners

Versus

1. The District Registrar,
Villupuram District Registration Office,
Office of the District Registrar,
Collector Office Campus, Villupuram – 605 602.

2. The Joint Sub Registrar-I,
Collectorate Campus, opposite District Treasury Office,
Moovendar Nagar, Villupuram – 605 602.

.. 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 recocds relating to the impugned refusal check slip RFL /Joint Sub Registrar I



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Villupuram /23 / 2024 dated 29.05.2024 issued by the second respondent and quash the same and consequently direct the second respondent to register the sale deed which was presented on 23.05.2024 before the second respondent.

For Petitioner : Mr.C.Iyyappa Raj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

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

2. Challenging the refusal slip issued by the second respondent dated 20.05.2024 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 respondents and perused the materials available on record.

4. It is the case of the writ petitioners that father of the first petitioner obtained life estate in the subject property and after his death, his legal heirs



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are in joint possession and enjoyment of the property without any interference.

While so, when the first petitioner along with other legal heirs presented a sale deed for registration, the same was refused to be registered on the ground that the right and title of the vendor cannot be validated based on the submitted documents. Challenging the same, the present Writ Petition has been filed.

5. It is relevant to note that if any document is presented for registration, the registering authority has not power to go into the title of the document. 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]*** wherein it has been held as follows :

“As far as the act of the registration is concerned, while exercising the power under Sections 34 & 35 of the Act, the law has been now well settled that the Sub Registrar before and while registering the document is not deciding any lis between parties. The function of the Sub Registrar under Sections 34 & 35 of the Registration Act is only executive and not quasi judicial in character. The Division Bench of this Court in the case of Park View Enterprises v Government of Tamil Nadu, reported in AIR 1990 Mad 251 has held as follows:



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“79. The next contention is that the Sub-’ Registrar is a, quasi-judicial authority and therefore, no instruction could be issued to him pertaining to his powers of registering a document under Part VI of the Registration Act. This act of the Sub-Registrar is only an executive work. He does not decide a ‘lis’ between the executants. As will be shown hereunder, he has got limited functions to discharge. Sections 34 and 35 pertain to what he can do, relating to; registration of a document. If every aspect pertaining to registration is duly complied with by the executants of documents; on proper presentation; his only act is to affix the seal and carry out the registration procedure. He does not pass a considered order.”

The above judgment is approved by the Hon'ble Supreme Court in the case of Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767, wherein, the Hon'ble Supreme Court has held as follows:

“Section 35 of the Act does not confer a quasi-judicial power on the Registering Authority. The Registering Officer is expected to reassure that the document to be registered is accompanied by supporting documents. He is not expected to evaluate the title or irregularity in the document as such. The examination to be done by him is incidental, to ascertain that there is no violation of provisions of the 1908 Act. In Park View Enterprises [Park View Enterprises v. State of T.N., AIR 1990 Mad 251 : 1989 SCC OnLine Mad 273] it has been observed that the function of the Registering Officer is purely



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administrative and not quasi-judicial. He cannot decide as to whether a document presented for registration is executed by person having title, as mentioned in the instrument. We agree with that exposition.”

In view above settled position of law, the respondent cannot refuse to register the sale deed presented by the petitioners on the ground that they have no right and title over property and they cannot conduct roving enquiry with regard to title of the parties while registering the documents. Hence, the impugned Order cannot be sustained in the eye of law and the same has to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned Order passed by the second respondent dated 29.05.2024 is quashed and the respondent is directed to register the sale deed dated 23.05.2024 presented by the petitioners within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

24.06.2024

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



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To

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N. SATHISH KUMAR, J.

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