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WP.No.17774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.17774 of 2024

Sudha

.. Petitioner

Versus

1. The Inspector General of Registration,
Registration Department, Santhome, Chennai – 600 004.
2. The District Registrar, Registration Department,
Chengalpet, Chengalpet District.
3. The Sub Registrar, Tiruporu Sub Reigstrar Office,
Thiruporur, Chengalpet District.

4. Ketha Chalapathy Babu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records of the Impugned Refusal Slip dated 18.06.2024 in Refusal Slip No. RFL/thiruporur/31/2024 issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to register the sale deed of the petitioner dated 18.06.2024 in respect of her property in Survey o. 1395/D224A(Old S.No. 1395/D) bearing patta no. 5142 plot nos.37 and 38 measuirng to an extent of 8596 sq.ft plot no.2 situated at Thaiyur Village Thiruporur Taluk, Chengalpet District.



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For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.M.Shajahan
Special Government Pleader – R1 to R3

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ORDER

Since, no adverse Order has been passed against the fourth respondent, notice to him is dispensed with. 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 Refusal Slip dated 18.06.2024 in Refusal Slip No. RFL/thiruporur/31/2024 issued by the third respondent and consequently, direct the third respondent to register the sale deed presented the petitioner dated 18.06.2024.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that when the petitioner intended to sell the property and executed a sale deed in favour of one Rameshkumar and presented the same for registration, the third respondent refused to register the same on the ground that the fourth respondent has made an objection and



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claiming right over the property by disputing the sale made by his father in the year 1980. Challenging the same, the present Writ Petition has been filed.

5. Though normally counter is required for quashing the impugned Orders, since the Order impugned is contrary to the settled position of law, this Court is of the view that no counter is required. At the outset, this Court is of the view that merely on the basis of the objection raised by a third party, document cannot be refused to be registered. This Court has repeatedly held in various judgments that the registration authorities cannot refuse to register a document and such powers are not conferred on them under the Registration Act.

6. Accordingly, this Writ Petition is allowed and the impugned order dated 18.06.2024 is set aside and there shall be a direction to the third respondent to register the sale deed dated 18.06.2024 presented by the petitioner. Such an exercise shall be completed within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

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vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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To,
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1. The Inspector General of Registration,
Registration Department, Santhome, Chennai – 600 004.
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3. The Sub Registrar, Tiruporu Sub Reigstrar Office,
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N. SATHISH KUMAR, J.

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