



WEB COPY



W.P.No.17289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.17289 of 2024

P.Venkatesan

.. Petitioner

Vs

The Sub Registrar
Sub Registrar Office
Uthangarai
Krishnagiri District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order made in Refusal Check Slip *vide* refusal No. RFL/Oothangarai/6/2024 dated 25.01.2024, passed by the respondent, quash the same and consequently direct the respondent to register the sale deed in respect of the property comprised in S.No.38/2A2 to an extent of 0.25cents at Kanichi Village, Uthangarai (Tk), Krishnagiri District.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



W.P.No.17289 of 2024

ORDER

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

2. Challenging the refusal check slip dated 25.01.2024 issued by the respondent on the ground that a protest petition has been filed, this writ petition has been filed.

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

4. This Court, in ***Subramani Vs. The Sub Registrar, Rasipuram and Another (W.P.No.11056 of 2024 decided on 26.04.2024)***, has held as follows :

“31. Now, this Court has to point out settled position of law in various aspects. With regard to the refusal slips issued on the ground of

a.

b. refusal on the ground of title dispute, in a judgment of this Court in the case of *Abdullasa v Inspector General of Registration* reported in 2021 2 CWC 451, this Court held that the Registrar cannot refuse to register the document on the basis of objections raised by a rival claimant, who has a different source of title. Similarly, the Hon'ble Apex Court in the case of *Satya Pal Anand v. State of M.P.*, reported in (2016) 10 SCC 767 has held that an



W.P.No.17289 of 2024

enquiry into the title of the executant is beyond the powers of the Sub-Registrar.

Therefore, in view of the law declared in this regard, merely on the ground of protest petitions and objections raised by some third party, the document cannot be refused to be registered.

c.”

5. Following the above judgment of this Court, mere filing of a protest petition, the document cannot be refused to be registered by the respondent. Hence, the impugned order passed by the respondent is set aside and the respondent is directed to register the Sale Deed of the petitioner, within a week's time from the date of receipt of a copy of this order.

With the above direction, this writ petition is allowed. No costs.

03.07.2024

gya

Index : Yes/No

Neutral Citation : Yes/No

To
The Sub Registrar
Sub Registrar Office
Uthangarai
Krishnagiri District



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W.P.No.17289 of 2024

N.SATHISH KUMAR, J.

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W.P.No.17289 of 2024

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