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WP.No.19100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.19100 of 2024

N.Asha

.. Petitioner

Versus

1. The Sub Registrar,
Joint SRO II, Krishnagiri, Krishnagiri.
Kallakurichi.

2. N.Padima Devi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order No.RFL/2 dated 18.10.2023 passed by the first respondent herein refusing the registration of Sale Deed presented for registration and quash the same and consequently direct the first respondent to register the Document Sale Deed dated 18.10.2023 in respect of her property situated in Plot Nos.1, 2, 3, 4, 5, 42, 43 and 44 comprised in S.Nos.133/3C1 and 133/3C2 measuring a total extent of 13121 1/4 sq.ft situated in Bethalapalli Village Krishnagiri Taluk and District in accordance with law within the time limit fixed by this Court.

For Petitioner : Mr.M.Abdul Razack

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



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ORDER

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Since, no adverse Order has been passed against the second respondent, notice to her is dispensed with. With the consent of both sides, this Writ Petition is taken up for disposal at the admission stage itself.

2. Challenging the impugned proceedings of the first respondent in No.RFL/2 dated 18.10.2023 refusing to register the Sale Deed presented for registration and consequently direct the first respondent to register the Sale Deed dated 18.10.2023 in accordance with law within the time limit fixed by this Court. the present Writ Petition has been filed.

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

4. It is the case for the petitioner that the second respondent had executed a Power of Attorney in favour of one R.Nagasubrmanian on 11.07.2012 and pursuant to the said document, a sale deed has been executed in favour of he petitioner on 26.12.2012 by the power agent of the second respondent. The petitioner is in possession of the property. Now, he has



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executed a sale deed in favour of one S.S.Jalaludin. At this stage, based on the protest petition given by the second respondent, the impugned Order has been passed.

5. As the very impugned Order itself is against the settled position of law, no counter is required. It is relevant to note that as far as registration is concerned, the title cannot be decided by the Sub Registrar. Rights of parties will be governed based on the their title and the earlier documents. In such view of the matter, merely on the basis of some protest petition, the document cannot be refused to be registered. 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 :

“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*



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M.P., reported in (2016) 10 SCC 767 has held that an 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.”

In view of the above settled position of law, the documents cannot be refused to be registered on the basis of a protest petition. Hence, the impugned Order has to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned Order passed by the first respondent dated 18.10.2023 is quashed and the first respondent is directed to register the sale deed dated 18.10.2023 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

18.07.2024

vrc

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



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To,
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The Sub Registrar,
Joint SRO II, Krishnagiri, Krishnagiri.
Kallakurichi.



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N. SATHISH KUMAR, J.

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