



WEB COPY

W.P.No.20974 of 2024
and W.M.P.No.22942 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20974 of 2024
and W.M.P.No.22942 of 2024

K.Santhosh Kumar

...

Petitioner

versus

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai - 600 028.

2.The District Registrar,
O/o.Registration Office,
Chengalpet.

3.The Sub Registrar,
O/o.Sub Registrar Office,
Guduvanchery.

4.Joint-Sub Registrar-II,
O/o.Sub Registrar Office,
Saidapet.

5.Devanesan

6.Thensudha

...

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 third respondent relating to the impugned Refusal Slip in Refusal No.RFL/Gudvanchery/2/2024 dated 03.04.2024 to quash the same and consequently direct the third respondent to register the Sale Deed presented by the petitioner.

For Petitioner : Mr.M.Raja Sekhar

For Respondent Nos.1 to 4 : Mr.M.Shajahan
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. This Writ Petition is filed to quash the impugned refusal check slip in Refusal Slip No.RFL/Gudvanchery/2/2024 dated 03.04.2024 and consequently direct the third respondent to register the Sale Deed presented by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.



4. It is the case of the writ petitioner that the property was originally purchased by one Gopalan in the year 1972. The said Gopalan died on 15.10.1999. Thereafter, it appears that some bogus power of attorney was created in the year 2008 and based on that, the document has been dealt with. Now, when the original legal heirs of Gopalan have entered into an agreement, the same was presented but it was refused to register on citing the protest petition filed by the fifth respondent.

5. At the outset, mere giving a protest petition cannot be reason to refusal to register the document. When the very subsequent documents executed based on the power of attorney that too came into existence after the death of Gopalan, the legal heirs of Gopalan executing any document cannot be a bar.

6. In such view of the matter, this Court is of the view that the Sub-Registrar cannot go into those issues. If at all the document is registered, priority rights will take care of it as provided under Section 48 of the Transfer of Property Act. The person, who has a better title will succeed in the Court, the Sub-Registrar need not venture into those disputes.



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7. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the third respondent 03.04.2024 stands quashed and the third respondent is directed to register the Sale Deed dated 02.04.2024 presented by the petitioner within a period of seven days from the date of receipt of a copy of this Order. No costs. No costs. Consequently, connected Miscellaneous Petition is closed.

29.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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N.SATHISH KUMAR, J.

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