



WP.No.21082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.21082 of 2024

M.Srinivasan

.. Petitioner

Versus

1. The Tahsildar,
Sankari Taluk, Salem District.

2. The Sub Registrar,
Mahundachavadi SRO, Salem District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Order passed by the second respondent in 192/2024 dated 10.07.2024 and quash the same and consequentially issue direction directing the second respondent to register the sale deed dated 08.07.2024 executed by the petitioner.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.G.Ameedius
Government Advocate – R1

Mr.M.Shajahan
Special Government Pleader – R2



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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 Order passed by the second respondent in 192/2024 dated 10.07.2024 and quash the same and consequentially issue direction directing the second respondent to register the sale deed dated 08.07.2024 executed by the petitioner.

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

4. The case of the petitioner is that the subject property in Survey No.148/12C2B to an extent of 0.24.0 hectare situated at Thappakuttai Village belong to the petitioner's family and separate patta has also been issued in the name of the petitioner's father in the year 2005. The further case of the petitioner is that he purchased the said property from his father vide sale deed



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dated 03.10.2007. While so, as some third parties were trying to grab the property by creating forged documents, the petitioner filed a suit in O.S.No.66 of 2014 on the file of the District Munsif Court, Sankari for bare injunction. The further case of the petitioner is that as he intended to sell the above property to one P.Ponnuvel and when he presented the sale deed for registration, the same was refused to be registered by the second respondent on the ground that some documents have already been executed and the title could not ascertained, hence, citing Section 55[A] of Registration Act. Challenging the same, the present Writ Petition has been filed.

5. As the impugned Order is against settled provisions of law, counter is not required. A perusal of records indicate that the settlement deed presented by the petitioner has been refused to be registered on the ground that earlier some documents have already been registered. This Court in various judgments has held that the Sub Registrar cannot go into the title. Minimum enquiry has to be done only with regard to the identity of the person executing the document. Even if a suit is filed for permanent injunction, the same cannot be ground to refuse registration of the document. When a document has been presented for registration, the same has to be registered. All these aspects have been elaborately dealt by this Court in ***Subramani Vs. 1.The Sub-Registrar,***



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**Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of
Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]**

In the light of the above settled provision of law, the impugned refusal slip cannot be sustained in the eye of law.

6. Accordingly, this Writ Petition is allowed and the impugned Refusal Check Slip dated 10.07.2024 of the second respondent is quashed and the second respondent is directed to register the sale deed dated 08.07.2024 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

30.07.2024

vrc

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

To,

1. The Tahsildar,
Sankari Taluk, Salem District.
2. The Sub Registrar,
Mahundachavadi SRO, Salem District.



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N. SATHISH KUMAR, J.

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