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WP.No.21490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21490 of 2024

H.Sowkathali

.. Petitioner

Versus

The Sub Registrar,
Pochampalli, 3/44, Kallavi Salai, Pochampalli,
Krishnagiri District, Tamil Nadu, Pin – 635 206.

.. Respondent

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 respondent culminating in his impugned Refusal Check Slip bearing Refusal Number RFL/Pochampalli/26/2024 dated 19.07.2024 refusing to register the sale Deed dated 18.07.2024 executed by the Petitioner and his relatives quash the same and consequently direct the respondent to forthwith register the said Sale Deed.

For Petitioner : Mr.Arun Anbumani

For Respondent : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for disposal

at the admission stage itself.

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2. Challenging the impugned Refusal Check Slip bearing Refusal Number RFL/Pochampalli/26/2024 dated 19.07.2024 refusing to register the sale Deed dated 18.07.2024 executed by the Petitioner and his relatives and consequently direct the respondent to forthwith register the said Sale Deed.

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

4. It is the case for the petitioner is that the petitioner and his relative have acquired the subject properties by way of registered settlement deed executed in favour of their father on 17.06.2008. It is his further case that when they executed a sale deed and presented it for registration, the same was refused to be registered on the ground that as the power of attorney and agreement for sale executed by the rival claimants are pending, the present sale deed cannot be registered. Challenging the same, the present Writ Petition has been filed.

5. As the very impugned Order itself is against the settled position of



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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 some power of attorney and a agreement for sale are pending, the document cannot be refused to be registered. This Court in **N. Ramayee v Sub-Registrar** reported in (2020)6 CTC 697 has elaborately dealt in this aspect and has held that mere registration of a sale agreement will not be a bar for sale of the property. In such view of the mater, the refusal slip issued by the respondent cannot be sustained in the eye of law and is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned Order passed by the respondent dated 19.07.2024 is quashed and the respondent is directed to register the sale deed dated 18.07.2024 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,
The Sub Registrar,

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



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N. SATHISH KUMAR, J.

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