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W.P.No.21811 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21811 of 2024

R.Navamani

... Petitioner

Vs.

1.The District Registrar,
Kancheepuram,
Office of the District Registrar,
Arasu Nagar, Thandavaraya Nagar,
Kancheepuram, Orikkai 631 601.

2.The Joint Sub Registrar -IV,
Kancheepuram,
Office of the Joint Sub-Registrar,
Taluk Office Compound,
Kancheepuram 631 501.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent pertaining to the refusal check slip “RFL/Sub-Registrar Join IV, Kancheepuram/8/2024 dated 04.07.2024 and quash the same as illegal, arbitrary and non-est in law and consequently direct the second respondent to register the settlement deed dated 04.07.2024 and release the same within the time stipulated by this Court.

For Petitioner : Mr.S.Balasubramaniam

For Respondents : Mr.Stalin Abhimanyu, AGP

ORDER



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This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent pertaining to the refusal check slip “RFL/Sub-Registrar Join IV, Kancheepuram/8/2024 dated 04.07.2024 and quash the same as illegal, arbitrary and non-est in law and consequently direct the second respondent to register the settlement deed dated 04.07.2024 and release the same within the time stipulated by this Court.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. The case of the petitioner is that the petitioner presented a settlement deed executed in favour of his sons in respect of 2970 Sq.ft, and the same was refused to be registered on the ground that the patta contained three names. Therefore, one person cannot execute the settlement deed.

4. At the outset, this Court is of the view that repeatedly this Court has ordered that the registering authority cannot go into the title. In the case of common patta, many persons' names would be available,



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particularly, in respect of ancestor's property. Even though the names of the co-shares find place in the revenue records, there may be arrangements between the co-sharers with regard to their exclusive possession. Even in some cases, oral partition could have been happened. In such view of the matter, it is not for the Sub-Registrar to go into all those details and refuse to register the document. The refusal can be made only if the document submitted is contrary to Section 22-A or 22-B of the Registration Act. That apart, the very identity of the persons executing the document can be enquired under Section 34 of the Act.

5. In such view of the matter, this Writ Petition is allowed and the impugned refusal check slip “RFL/Sub-Registrar Join IV, Kancheepuram/8/2024 dated 04.07.2024 is set aside. The second respondent is directed to register the settlement deed within a period of one week from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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N.SATHISH KUMAR, J.

gsk

To

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