



W.P.No.22216 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.22216 of 2024

1.Naveen Kumar

2.Shashilkumar

.. Petitioners

Versus

The Sub Registrar,
Office of the Sub Registrar,
Kelamangalam, Denkanikotta Taluk,
Krishnagiri District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to impugned proceeding vide 'Refusal Check Slip' having reference No.RFL/kelamangalam/06/2024 dated 25.07.2024 on the file of the respondent, quash the same and consequently, direct the Respondent to register the Sale Deed dated 25.07.2024 presented by the Writ petitioners for registration and release the document to the writ petitioners within the time period stipulated by this court.

For Petitioner : Mr.R.Divyapreathika

For Respondent : Mr.P.Anandhakumar,
Government Advocate

ORDER



W.P.No.22216 of 2024

WEB COPY

Challenge has been made to the refusal check slip issued by the respondent refusing to register the Sale Deed dated 25.07.2024 presented by the Writ petitioners for registration and release the document to the writ petitioners.

2. Heard both sides and perused the materials placed on record.

3. By consent of both parties, the main writ petition itself is taken up for final disposal at the admission stage.

4. It is the case of the writ petitioner that the property situated in Survey No.33/2B in Komaranapalli Village and Panchayat, Denkanikottai Taluk, Krishnagiri District, to an extent of 1.96 ½ acres belonged to one late Papaiah, S/o Chennappa, vide patta No.294 and after his demise, the subject property was inherited by his legal heirs Ullurappa and Pillappa along with their legal heirs and thereby, the petitioners' vendors are the absolute owners of the subject property and they were in possession and enjoyment of the same. The abovesaid legal heirs Ullurappa and Pillappa along with their legal heirs have executed a sale deed dated 25.07.2024 in respect of the subject property in favour of the petitioners for a total sale consideration of



W.P.No.22216 of 2024

Rs.9,84,000/- and when the petitioners had presented the said sale deed before the respondent for registration, the respondent has refused to register the same by citing the order dated 26.07.2023 made in W.P.Nos.32946 and 32906 of 2022, wherein this Court had upheld that when the right/ownership of one property being claimed by more than one person, then the same has to be decided only by the competent civil Court. Challenging the same, the present writ petition has been filed.

5. Since the impugned Refusal Check Slip issued itself is not proper, no counter is required in this matter.

6. At the outset, when the sale deed has been presented by the petitioners before the respondent for registration, it is not for the registering authority to go into the title. What is required is only summary enquiry with regard to the person executing the document and not with regard to the title. This Court in ***Subramani Vs. 1. The Sub- Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai***, by an order dated 26.04.2024 in W.P.No.11056 of 2024, following the judgment of the Supreme Court in the case of ***Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767***, has held as



W.P.No.22216 of 2024

follows:

WEB COPY

“Section 35 of the Act does not confer a quasi-judicial power on the Registering Authority. The Registering Officer is expected to reassure that the document to be registered is accompanied by supporting documents. He is not expected to evaluate the title or irregularity in the document as such. The examination to be done by him is incidental, to ascertain that there is no violation of provisions of the 1908 Act. In Park View Enterprises [Park View Enterprises v.State of T.N., AIR 1990 Mad 251 : 1989 SCC OnLine Mad 273] it has been observed that the function of the Registering Officer is purely administrative and not quasi-judicial. He cannot decide as to whether a document presented for registration is executed by person having title, as mentioned in the instrument. We agree with that exposition.”

7. Further, this Court in ***G.Rajasulochana Vs. The Inspector General of Registration, No.100, Santhome High Road, Chennai-600028 and two others(W.P.No.29706 of 2024 dated 16.04.2024)*** following the judgment of a Division Bench of this Court, in W.A.Nos.260 & 261 of 2023 vide order dated in 07.06.2023 in the case of ***P. Jagannathan v Inspector General of Registration***, has held that the power to cancel a document for violation of Section 22-A can be resorted to only if the title of the temple is admitted. In other words, where the title of the temple is disputed parties must necessarily be relegated to the civil court, and the Sub-Registrar cannot refuse to register the document on that ground since the rights of parties will have to be decided only by the civil court.

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



W.P.No.22216 of 2024

WEB COPY

8. Mere registration of a document will not convey any title to the vendee and the same is subject to the rights already created in favour of the vendor. It is for the parties to establish their right based on the document executed in their favour.

9. In such view of the matter, when the party takes a risk and seeks registration of any property, it is for them to establish the title in the event any dispute arises subsequently. Accordingly, the impugned refusal check slip issued by the respondent refusing to register the Sale Deed dated 25.07.2024 presented by the Writ petitioners is quashed and the respondent is directed to register the said Sale Deed dated 25.07.2024 within a period of two weeks from the date of receipt of a copy of this order.

10. Accordingly, the writ petition stands allowed. No costs.

02.08.2024

raa

Note: issue order copy on 23.08.2024

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

To

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



W.P.No.22216 of 2024

The Sub Registrar,
Office of the Sub Registrar, Kelamangalam,
Denkanikotta Taluk, Krishnagiri District.



WEB COPY



W.P.No.22216 of 2024

N. SATHISH KUMAR, J.

raa

W.P.No.22216 of 2024

02.08.2024