



WEB COPY



WP.No.24406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.24406 of 2023

K.Raja

.. Petitioner

Versus

The Joint Sub-Registrar No.I
Saidapet
Department of Registration
Office at Nandanam
Chennai – 600 035

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the Refusal Check Slip dated 27.07.2023 in RFL/Joint Sub Registrar No.1, South Chennai/24/2023 issued by the respondent herein and quash the same and consequently direct the respondent to register the Relinquishment deed dated 27.07.2023 on re-presentation.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenge has been made in this writ petition as against the order passed by the respondent in refusing to register the relinquishment deed dated 27.07.2023.



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2. It is the case of the petitioner that the petitioner's mother purchased two house sites in the year 1994 from one Packiyavathi vide sale deed dated 26.11.1984. Ever since the date of purchase, she was in possession of the property. The petitioner's mother died on 29.03.1996. The petitioner's father and sisters being the class-I legal heirs wanted to relinquish their shares in favour of the petitioner. When the same was presented, the respondent refused to register on the ground that there was no document to prove the compromise entered between the petitioner's father and other legal heirs.

3. It is the contention of the learned counsel for the petitioner that Karuvannan or Gurunatha Chettiar are no way connected to the subject property. The registering authorities passed the impugned order mechanically, whereas, the subject property was purchased by the petitioner's mother independently in the year 1984 by virtue of sale deed.

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

5. When the petitioner's father and sisters presented the document based on the right of the property which is purchased by the petitioner's mother in the year 1984, now the registering authorities cannot go into the title. The enquiry



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contemplated under the Registration Rules is to the minimum extent to find out the persons whether the persons executed the document are true persons.

Apart from that they cannot go into the title. In such view of the matter, the impugned proceedings of the respondent has to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned proceedings of the respondent stands quashed and the respondent is directed to register the relinquishment deed dated 27.07.2023 within a period of one month from the date of receipt of a copy of this Order. No costs.

03.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The Joint Sub-Registrar No.I
Saidapet
Department of Registration
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N. SATHISH KUMAR, J.

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