



WEB COPY



WP.No.28060 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.28060 of 2021

Dhakshinamurthy

.. Petitioner

Versus

1. The District Registrar
Office of the District Registrar's Office
Cuddalore, Cuddalore District

2. The Sub Registrar
Office of the Sub Registrar
Cuddalore, Cuddalore District

3. The Joint Sub Registrar II
Office of the Joint Sub Registrar II
Cuddalore, Cuddalore 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 in Check Slip No.42/2021 dated 07.12.2021 on the file of the 3rd respondent and quash the same and direct the 3rd respondent to register the sale deed dated 08.11.2021 presented by the petitioner.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.J.Ravindran, AAG
assisted by Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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Challenge has been made to refusal checkslip issued by the third respondent.

2. The petitioner presented sale deed dated 08.11.2021 for registration, however, the same was refused to be registered on the ground that there are prior entries in encumbrances.

3. The learned counsel for the petitioner submitted that as far as the previous documents are concerned, the District Registrar has already passed an order cancelling the documents as fraudulent documents. No appeal whatsoever is filed. Therefore, citing the prior document and refusing to register the document cannot be sustained in the eye of law.

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

5. By consent of both parties, this writ petition is taken up for final disposal.



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6. Even assuming that there are prior documents, it is not the duty of the registering authorities to go into the title. The priority of rights conveyed under the registered document will be as per Section 48 of the Transfer of Property Act. Such being the position, the rights will be determined based on the title conveyed under the documents.

7. Such view of the matter, the impugned order dated 07.12.2021 stands quashed and the third respondent is directed to register the sale deed dated 08.11.2021 within a period of two weeks from the date of receipt of a copy of this Order.

8. Accordingly, this writ petition stands allowed. No costs.

11.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

To,

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2. The Sub Registrar
Office of the Sub Registrar
Cuddalore, Cuddalore District

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