



W.P.No.33232 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33232 of 2024

Kumarasamy

... Petitioner

Vs.

The Sub-Registrar
Office of Sub-Registrar,
Dharapuram,
Tiruppur District.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of order of refusal check slip in Refusal Number:RFL/Dharapuram/49/2024 dated 07.10.2024 passed by the Respondent herein and quash the same and consequently direct the Respondent to register the document of sale deed dated 04.10.2024 to be represented by the petitioner herein.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.M.Shahjahan
Special Government Pleader



W.P.No.33232 of 2024

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ORDER

Challenging the Refusal Check Slip dated 07.10.2024, the petitioner herein has filed the above writ petition praying for issuance of a writ of Certiorarified Mandamus, to quash the impugned check slip and direct the respondent to register the document.

2. Heard the learned counsel on either side.

3. The document in question is a sale deed which has been returned by the respondent vide refusal check slip on the ground that the property had been mortgaged and to obtain the cancellation of the mortgage or a no objection from the mortgagee.

4. The respondent is tasked with the duty of registering the document that are presented before him for registration. The duty that cast upon the petitioner is only to verify the execution and identity. In the judgment of the Division Bench of this Court in ***P.Pappu Vs. The Sub Registrar*** in W.A.No.1160 of 2024, had discussed the power of



W.P.No.33232 of 2024

the Registrar to refuse registration. The Division Bench had observed that even when a person sells a property that does not belong to him, there is no provision in the Registration Act, 1908, to refuse registration except for the circumstances set out in Section 22-A and Section 22-B, which are introduced by the State Legislature insofar as in Tamil Nadu is concerned which had identity of the executant.

5. In a Division Bench judgment of this Court in *N.Ramayee v. Sub-Registrar, Registration Department, Valapady, Salem* in *W.P.No.674 of 2020*, [2020 (6) CTC 697] the Division Bench had opined that the registering Officer cannot go into title of the property in respect of which the property has been presented.

6. Therefore in the light of the above judgments, the order of the 1st respondent cannot be sustained and accordingly, this writ petition is allowed and the impugned order is set aside and the respondent is directed to register the document within a period of two weeks from the date of which the representation by the petitioner. No costs.



W.P.No.33232 of 2024

Consequently, connected miscellaneous petition is closed.

WEB COPY

14.11.2024

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
ssn

To

The Sub-Registrar
Office of Sub-Registrar,
Dharapuram,
Tiruppur District.



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W.P.No.33232 of 2024

P.T. ASHA. J.,

ssn

W.P.No.33232 of 2024

14.11.2024