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WP.No.33377 of 2024

In the High Court of Judicature at Madras

Dated : 18.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33377 of 2024 &
WMP.No.36160 of 2024

V.Dayalan

...Petitioner

Vs

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Raja Annamalaipuram,
Chennai-28.

2.The District Registrar,
Tirupattur, Tirupattur District.

3.The Sub-Registrar, Ambur,
Tirupattur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal slip dated 07.3.2024 vide Refusal No.RFL/Ambur/14/2024 issued by the third respondent, quash the same as illegal and incompetent and consequently direct the third respondent to register the petitioner's document within a time frame as fixed by this Court on its representation.



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For Petitioner : Mr.P.A.Sudesh Kumar
For Respondents : Mr.M.Shahjahan, SGP

ORDER

Aggrieved by the refusal slip issued to the petitioner by the third respondent for the sale deed submitted for registration, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The reasons for refusal are stated as follows :

"i. There is settlement deed vide Doc.No. 427/1992 by Vinayagam to Puratchi.

ii. The said Vinayagam on the basis of POA deed vide Doc.No.70/2000 sold some properties inclusive of property under settlement deed and created sale deeds viz. Doc.Nos.602/2002, 603/2002 and 1713/2005.

iii. Since there were two title deeds, after getting appropriate declaratory order, this document may be represented for registration. Accordingly returned."



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4. The petitioner's contention is that the property that is covered under the sale deed submitted for registration does not find place in Doc.Nos.602 and 603 of 2002 and 1713 of 2005. The subject property fell to the share of one Mrs.Puratchi under a registered settlement deed dated 07.2.1992. Subsequently, the possession was also handed over to her and the said settlement deed was acted upon. Thereafter, the property was sub-divided. The said Mrs.Puratchi sold the first item of the properties covered under the said settlement deed to the petitioner for a valid consideration. However, the document was returned by the impugned refusal slip by citing the aforesaid reasons. Therefore, the petitioner is before this Court.

5. The petitioner's specific case is that the property, which he had purchased from the said Mrs.Puratchi, is not the property covered under the other documents and that the petitioner has a clear title.

6. As has been time and again held, the third respondent cannot conduct a roving inquiry into the title in respect of a document that is presented for registration. Suffice it that he cross-checks the execution of the document, the identity of the person executing and also the authority of the person executing the document.



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7. Under these circumstances, the writ petition is allowed and the impugned refusal slip is set aside. The third respondent is directed to register the sale deed presented by the petitioner within a period of two weeks from the date of receipt of its representation. No costs. Consequently, the connected WMP is closed.

18.11.2024

To

- 1.The Inspector General of
Registration, No.100,
Santhome High Road,
Raja Annamalaipuram,
Chennai-28.
- 2.The District Registrar,
Tirupattur, Tirupattur District.
- 3.The Sub-Registrar, Ambur,
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