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WP.No.34938 of 2024

In the High Court of Judicature at Madras

Dated : 21.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34938 of 2024 &
WMP.No.37887 of 2024

Vanitha

...Petitioner

Vs

The Sub-Registrar, Office of the
Sub-Registrar, Ammapettai,
Erode District.

...Respondent

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 order/refusal check slip dated 04.11.2024 made in RFL/Ammappettai/75/2024 issued by the respondent and quash the same and consequently direct the respondent to register the sale deed document presented by the petitioner without insisting the production of original parent document within the time fixed by this Court.

For Petitioner : Mr.R.Nalliappan
For Respondent : Mr.M.Shahjahan, SGP

ORDER

Challenging the refusal check slip dated 04.11.2024 issued to her, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned



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Special Government Pleader accepting notice for the respondent.

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3. The petitioner purchased the property in S.No.448/16, Ammapetti Village, Anthiyur Taluk, Erode District totally measuring 76 cents. The property, which is the subject matter of the sale, is the eastern half share. The western half share to an extent of 76 cents was proposed to be purchased by one Mr.Muthusamy. When the petitioner presented the document for registration, it was returned and the impugned refusal slip came to be issued by the respondent stating that the original document dated 24.6.2010 was not produced. Challenging the same, the petitioner is before this Court.

4. Time and again, this Court ordered the Registering Authorities to confine their authority for refusing to register documents in respect of the provisions relating Section 22A of the Indian Registration Act and delineated the scope of inquiry, which the Registering Authority should undertake under the provisions contained in Section 34 of the said Act whereby the inquiry contemplated is restricted to verify the authenticity of the execution, the executant or in the case of persons appearing as representatives, assigns or agents to satisfy the authority. Nowhere it is provided that the Registering Authority should verify the title. Further, the document, which is sought to be



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registered, traces title through the earlier document.
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5. In the decision in the case of ***N.Ramayee Vs. Sub-Registrar*** ***[reported in 2020 (6) CTC 697]***, a Division Bench of this Court had, in fact, gone on to hold as follows :

"Section 57 of the Transfer of Property Act deals with the provision by Court for encumbrances and sale freed therefrom. The Section also makes it clear that even the properties already encumbered can be brought under court sale and the encumbrance can be freed after issuance of notice to the encumberer."

6. In the light of the above, the writ petition is allowed, the impugned order is set aside and the respondent is directed to register the document 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.

RS

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P.T.ASHA,J

RS

To
The Sub-Registrar, Office of the
Sub-Registrar, Ammapettai,
Erode District.

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