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W.P.No.36435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.36435 of 2024

P.Kumar

...Petitioner

Vs

The Sub Registrar
Joint – I, Sub Registrar Office,
Kallakurichi,
Kallakurichi District

...Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Respondent in Refusal Check Slip in Refusal No.RFL / 49/ 2024 dated 10.10.2024 and quash the same and further direction directing the Respondent to register the sale deed dated 09.10.2024 presented by the petitioner within a stipulated period fixed by this Hon'ble court.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.C.Sathish
Government Advocate

ORDER



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The above Writ Petition is filed challenging the refused check slip in Refusal No.RFL/49/2024 issued by the respondent dated 10.10.2024.

2.Petitioner's contention is that the subject property which is an extent of 15 cents from out of an extent of 1.02 cents in survey No.183/4B (65 cents) and survey No.183/5B (37 cents) along with an extent of 25 cents in survey No.183/11A was the subject matter of the sale deed dated 09.10.2024 which is presented by the petitioner before the respondent and which is the subject matter of the present Writ Petition.

3.The property was purchased by the petitioner and presented for registration on 10.10.2024. The document was scrutinized on the very same day and on 10.10.2024 the impugned refusal check slip has been issued by the respondent on the ground that the same survey numbers have been purchased by two other persons by way of a settlement deed and sale deed registered as 352/20202 and 598/10 respectively. The petitioner would submit that the petitioner's vendor had on 05.04,2010 purchased the property from one D.Poomalai under registered sale deed of the said date. He had executed a general power of attorney in favour



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of one Suresh, son of Rajendran on 04.01.2013 to sell the subject property on his behalf. After receiving the sale consideration of Rs.1,62,500/- from the petitioner the power agent had prepared the sale deed on 09.10.202. Challenging the same, petitioner is before this Court.

4.Heard the learned counsels on either sides. Mr.C.Sathish, the learned Government Advocate takes notice on behalf of respondent.

5.The registering authorities have not been vested with the power to conduct a roving enquiry into title which exclusively falls within the jurisdiction of the Civil court. Further the person purchasing the property has to be alert and aware of the defects in respect of the property. After the settlement deed was executed by Dharmalingam in favour of his brother Vadivel, thereafter his son, Poomalai had sold the very same property to the petitioner and the same has been registered. The present refusal appears to be misconceived. Ultimately it is for the parties to work out their remedies before the civil Court. The registering authority's jurisdiction is to verify the execution of the deed in question, the identity of the person or the agent assignees etc., and not go into the issue of title.



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The respondent is directed to register the sale deed within two weeks from the date of receipt of copy of this order.

6. Accordingly, the present Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

To

The Sub Registrar



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Joint – I, Sub Registrar Office,
Kallakurichi,
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P.T.ASHA, J,



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