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WP.No.35522 of 2024

In the High Court of Judicature at Madras

Dated : 27.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35522 of 2024

D.Chandrasekar

...Petitioner

Vs

1.The Inspector General of
Registration, O/o the Inspector
General of Registration,
Santhome High Road, Chennai.

2.The District Registrar,
O/o the District Registrar
Office, Erode District, Erode.

3.The Joint Sub-Registrar,
Sub-Registrar Office,
Gopichettipalayam,
Erode 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 pertaining to the impugned refusal check slip in RFL/1 En.Joint Sub-Registrar/Gopichettipalayam/12/2024 dated - 21.10.2024 issued by the third respondent, quash the same as illegal and consequently direct the third respondent to accept and register the partition deed document dated 21.10.2024 presented by the petitioner.

For Petitioner : Mr.S.Sengkodi
For Respondents : Mr.S.Shahjahan, SGP



WP.No.35522 of 2024

ORDER

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The petitioner seeks to quash the check slip dated 21.10.2024, in and by which, the third respondent had refused to receive and register the partition deed dated 21.10.2024 presented by the petitioner.

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

3. The grounds, on which, the impugned refusal check slip has been issued, are as follows :

"(i) The validity of the Will dated 20.1.2022 mentioned in the partition deed cannot be verified;

(ii) It is an unregistered Will;

(iii) It is not known as to whether the Will is the last Will of the testator; and

(iv) The revenue records do not reflect the name of the settlors."

4. In the considered view of this Court, by raising the above issues, the third respondent is conducting a roving inquiry into the title, which jurisdiction is not vested with him. The main factors that



WP.No.35522 of 2024

are required to be taken into consideration at the time of inquiry into the documents are

(i) to take note of the execution of the document,

(ii) whether it has been executed by the person, whose name is mentioned in the document,

(iii) the identity of the person executing the document and presenting it and

(iv) in case the document is presented by a power agent, assign or representative, the authority of such person.

5. The Registering Authority is empowered to refuse registration under any of the circumstances set out in Section 22A of the Indian Registration Act. In such circumstances, the reasons set out refusing registration do not come within any of the parameters mentioned therein.

6. Hence, the writ petition is allowed, the impugned refusal check slip is set aside and the third respondent is directed to register the document presented by the petitioner within two weeks from the date of its representation. No costs.



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RS



WP.No.35522 of 2024

27.11.2024

P.T.ASHA,J

RS

To

- 1.The Inspector General of
Registration, O/o the Inspector
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Santhome High Road, Chennai.
- 2.The District Registrar,
O/o the District Registrar
Office, Erode District, Erode.
- 3.The Joint Sub-Registrar,
Sub-Registrar Office,
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WP.No.35522 of 2024

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