



W.P.No.36267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36267 of 2024

&

W.M.P.No. 39145 of 2024

R.Rajesh

...Petitioner

Vs.

The Sub Registrar,
Thadhagapatti Sub Registrar Office,
Thadhagapatti,
Salem East,
Salem.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Respondent herein vide refusal check slip with refusal number RFL/Thadhagapatti/79/2024 dated 04.10.2024 quash the same and consequently direct the Respondent to register the concerned sale deed dated 01.10.2024 executed by the Petitioner.



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For Petitioner : Mr. K.Sathish Kumar
For Respondent : Mr. B.Vijay
Additional Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To call for the records of the Respondent herein vide refusal check slip with refusal number RFL/Thadhagapatti/79/2024 dated 04.10.2024 quash the same and consequently direct the Respondent to register the concerned sale deed dated 01.10.2024 executed by the Petitioner”.

2. The sale deed dated 01.10.2024 submitted by the petitioner has been refused to be registered by the respondent on the ground that there is a suit in O.S.No.119 of 2016, pending on the file of the II Additional District Court, Salem. Aggrieved thus, the petitioner is before this Court.



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3. Heard the learned counsels on the either side and perused the records.

4. A perusal of the contents of the plaint in O.S.No.119 of 2016 would clearly show that the plaintiff therein who has been inducted into the property as a tenant has set up adverse title on the strength of their long possession in the property. There is no interim orders restraining the transaction in respect of the suit property. The petitioner traces title to one Manoharan, Panneerselvam and Vijayalakshmi, the defendants in the suit O.S.No.119 of 2016, from whom his wife, Nithya had purchased the property, who in turn had settled the same on the petitioner.

5. The scope of enquiry vested with the registering authority is restricted to verifying the identity of the executant and the execution of the document and does not extend to the registering authority to act as a Civil Court.



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6. Therefore, the Writ Petition is allowed. The impugned refusal check slip is quashed. The respondent is directed to register the document, within a period of 8 weeks from the date of its re-presentation. No costs.

03.12.2024

Index : Yes/No
Internet : Yes/No
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To

The Sub Registrar,
Thadhagapatti Sub Registrar Office,
Thadhagapatti,
Salem East,
Salem.



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P.T. ASHA. J,

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