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W.P.No.36408 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.36408 of 2024**  
**and**  
**W.M.P.No.39276 of 2024**

1.Nagammal  
2.Vasantha

... Petitioners

**Vs.**

The Sub Registrar Royapuram  
Sub Registrar Office Royapuram,  
T.H. Road, Chennai- 21.

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the Impugned order relating to the Refusal Check Slip bearing Refusal No. RFL / Royapuram / 263/ 2024 dated 22.11.2024 issued by the Respondent and quash the same as erroneous and consequently direct the respondent herein to receive and register the petitioners sale deed dated 22.11.2024 and to pass.



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For Petitioner : M/s.M.Venkadesh Kumar

For Respondent : M/s.C.Meera Arumugam, A.G.P.  
for Sole respondent

## **ORDER**

Challenging the refusal check slip issued by the respondent to the petitioners, the petitioners are before this Court seeking to quash the said order and consequently direct the respondent to receive and register the petitioners' sale deed dated 22.11.2024.

2. It is the case of the petitioners that the property which is the subject matter of Writ Petition belonged to the husband of the 1st petitioner and father of the 2nd petitioner one Subramaniam @ Subramani. He passed away on 05.02.2022 leaving behind him surviving the petitioners herein and one Venugopal. The said Venugopal, who was married and later divorced, died on 17.12.2010, as a result of which the petitioners are entitled to the property in question.



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3. While so, the petitioners decided to sell the property to one Mohanavalli and had entered into a sale deed on 22.11.2024. When the same was presented for registration before the respondent, it was returned on the very same day for the reason that the parent documents had not been produced. Aggrieved by the same, the petitioners are before this Court.

4. Heard the counsels on either side.

5. In the judgement reported in **2011 2 L.W. 648 - K.S.Vijayendran vs. The Inspector General Of Registration and Other** this Court had observed that none of the provisions of the Act or the Rules contemplate the Registrar to require the party appearing before him for presenting document to produce the original title deeds relating to the property so as to satisfy himself about the ownership of the executant in respect of the property sought to be executed.

6. A Division Bench of this Court in the case of **Ramayee vs. The Sub Registrar and Others** reported in **2020 (6) CTC 697**



constituted to answer the reference as to whether once an agreement of sale is registered by the vendor subsequent documents in respect of the same property could be refused to be registered had extensively discussed the object of the Registration Act, the power of the Registering Authority to register documents, power of the Registrar to make any enquiry, scope of enquiry etc. They had observed that except for Section 22-A of the Registration Act other provisions do not give the Registering Authorities grounds for refusing to register the sale deed.

7. Another Division Bench of this Court in the judgement in ***P.Pappu Vs. The Sub Registrar*** in ***W.A.No.1160 of 2024*** had while dealing with a case where the Registering Authority had refused to register the document observed as follows:-

*"The law relating to transfer of immovable property is governed by the substantial enactment namely, The Transfer of Property Act, 1882. The right to hold property and the right to be not deprived of property without reasonable compensation is a*



*constitutional right ensured under Article 300A of the Constitution of India. Being a constitutional right, it is one step superior to even the fundamental rights, as there cannot be a reasonable restriction on the said right and no one can be deprived of the property without reasonable compensation. The right to hold the property also takes in its fold the right to deal with the property."*

*"The fundamental principle of law relating to transfer of immovable property is caveat emptor. A buyer of the property is required to be careful in not purchasing certain properties which are already encumbered or from person who does not have title. Even if a person sells a property that does not belong to him, there is no provision in the Registration Act, 1908, to enable the Registrar to refuse registration except Section 22-A and Section 22-B, which have been introduced recently in the year 2022 by the State*



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*Legislature insofar as Tamil Nadu is concerned. Even Section 22-A and Section 22-B do not authorise refusal of registration on the ground that the original of the prior's title deed has not been produced."*

8. Therefore, in the light of the above, the Registering Authority's demand for the production of original documents of title is without authority and consequently, the Writ Petition is allowed. The impugned refusal check slip dated 22.11.2024 issued by the respondent is set aside. The respondent is directed to register the sale deed dated 22.11.2024 within a period of 2 weeks from the date of its representation. No costs. Consequently, the connected Miscellaneous Petition is closed.

**29.11.2024**

(shr)

Index : Yes/No  
Speaking Order: Yes/No  
Neutral Citation : Yes/No

To  
The Sub Registrar Royapuram  
Sub Registrar Office Royapuram,  
T.H. Road, Chennai- 21.



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**P.T. ASHA. J.,**

(shr)

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