



WEB COPY



W.P.No.37340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.37340 of 2024

R.K.Rajkumar

...Petitioner

Vs

1. Inspector General of Registration
Santhome High Road,
Chennai – 600 028.

2. District Registrar (Admin)
Santhaimedu,
Gingee Road,
Tindivanam,
Villupuram District.

3. Sub Registrar,
Avarapakkam,
Gingee Road,
Tindivanam,
Villupuram District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the entire records on the file of the 3rd respondent in pursuant of the REFUSAL CHECK SLIP bearing RFL/avarappakkam/96/2024 dated 10 October 2024 and quash the same consequently directing the 3rd respondent to register the sale deed executed by the Petitioner.

For Petitioner : Mr.G.Baskar



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For Respondents : Mr.M.Shahjahan
Special Government Pleader
(For R1 to R3)

ORDER

Challenging the refusal cheque slip dated 10.10.2024 issued by the third respondent the petitioner is before this Court.

2.The petitioner along with his mother and sister has executed a sale deed dated 10.10.2024 selling the property of his deceased father Mr.Karthikeyan to one Paneerselvam. When the deed was presented before the third respondent, the third respondent refused to register the sale deed and the refusal was based on assertion that sale deed bearing No.6402/2008 was null and void and protest petition filed by a third party was cited as reason.

3.Heard the learned counsels on either side and perused the records. The learned Special Government Pleader takes notice on behalf of the respondents.

4.Perusal of the records would indicate that one



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M.R.Karthikeyan had purchased the subject properties under a registered sale deed dated 10.12.2008 registered as document No.6402 of 2008 on the file of the Sub Registrar, Avarapakkam, Tindivanam. The said M.R.Karthikeyan passed away on 16.10.2020 and the legalheirship certificate would indicate that the petitioner and his mother and his sister are the legal representatives of the said M.R.Karthikeyan. The legal representatives of the said Karthikeyan had come together to sell the property to one Paneerselvam under the deed which is now refused to be register. The patta in respect of the property bearing patta No.7883 also stands in the name of M.R.Karthikeyan. The third respondent refused to register the document on the contention that some third party had stated that the sale deed in favour of M.R.Karthikeyan was invalid sale deed. However, no Court orders declaring the sale deed as null and void has been produced. In such circumstances, the third respondent whose given scope of enquiry is limited to checking the execution of the document, the identity of the person executing as well as the authority of the persons who are executing the same as agents, representatives or assignees cannot proceed to conduct a roving



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enquiry into title. Therefore, the Writ Petition is allowed. The refusal cheque slip bearing No.RFL/avarappakkam/96/2024 dated 10.10.2024 is also set aside and the third respondent is directed to register the sale deed within a period of two weeks from the date of its representation. No costs.

12.12.2024

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

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P.T.ASHA, J,

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