



W.P.No.37661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.37661 of 2024
W.M.P.No.40720 of 2024

1.P.Dhammashilarr

2.A.Karpukarasi

3.G.Kadiroli

4.S.Karkuzhali

...Petitioners

Vs

The Sub-Registrar,
Office of Sub-Registrar
Acharapakkam,
Chengalpattu District

...Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 26.09.2024 bearing refusal No.RFL/Acharapakkam/240/2024 passed by the respondent, quash the same and direct the respondent to receive, register and release the release deed dated 20.09.2024 presented by the petitioners within the time stipulated by this Court.



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For Petitioners : Mr.R.Ragavendran
For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

Challenging the refusal cheque slip issued by the respondent the petitioners are before this Court.

2.It is the contention of the petitioners that the land belonged to one Kishtan @ Krishnan grandfather of the petitioners who was in absolute possession and enjoyment of the same. He was issued with a joint patta bearing No.255. On 02.10.2015 he had died leaving behind him surviving petitioners herein and another son Kottaiyan apart from daughter Sakunthala leaving behind the petitioners as his legal representatives. Therefore, each of them became entitled to 1/8th share in the subject property. Sakunthala passed away on 02.11.2015 leaving behind her husband and children as her legal representatives. The legal representatives of Kishtan @ Krishnan had arrived at a family arrangement and on the settlement, the petitioners had decided to release their share to their brother Kottaiyan and the release deed was presented for registration on



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26.09.2024. However, the said release deed was refused to be register stating that the petitioner's father name had not been mentioned in the patta number and that apart there were totally 21 persons named in the said patta and the said Kishtan @ Krishnan would be entitled to only an extent of 30 cents. and therefore, without dividing and getting an individual patta, the release deed cannot be registered. Aggrieved by the same, the petitioners are before this Court.

3.Heard Mr.R.Ragavendran, the learned counsel for petitioners and Mr.Shahjahan, the learned Special Government Pleader taking notice for the sole respondent.

4.Petitioners are releasing their 1/8th share in favour of their brother Kottaiyan. The respondent has no authority to investigate title, scrutiny contemplated under the Registration Act is restricted to verifying the execution of the document, to the identity of the person executing the document and in case of execution being made by an assignee or agent then the identity of such person. Beyond the



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above the registering authority cannot conduct roving enquiry. The grounds on which the refusal the registering authority can refuse the registering document has also been contemplated under Section 22 of the Registration Act. Therefore, in the instant case the refusal to register the document is without any legal basis and is totally misconceived and the order required to be set aside.

5. Accordingly, the present Writ Petition is allowed and the respondent is directed to register the document within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

To
The Sub-Registrar,



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Office of Sub-Registrar
Acharapakkam,
Chengalpattu District

P.T.ASHA, J.

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