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W.P.No.38145 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.38145 of 2024
W.M.P.No.41277 of 2024

1.Ponni

2.Indhira

3.Sasikala Ramachandran

4.K.Murugan

5.Manjula

6.Kanaga

...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 impugned order dated 26.09.2024 bearing refusal No.RFL/Acharapakkam/241/2024 passed by the respondent, quash the same and direct the respondent to receive, register and release the release deed dated 26.09.2024 presented by the petitioners within the time stipulated by this Court.



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For Petitioners : Mr.R.Ragavendran
For Respondent : M/s.C.Meera Arumugam
Additional 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 father 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 son Kottaiyan apart from daughter Sakunthala as his legal representatives. Therefore, each of them became entitled to a 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 entered into 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 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



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there were totally 21 persons in the said patta and the said Kishtan @ Krishnan would be entitled to 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 7/8th share in favour of their brother Kottaiyan. The respondent has no authority to investigate title and scrutiny contemplated under the Registration Act is restricted to verifying the execution of the document to the identity of the person was executing the document and in case of execution being made by an assignee or agent then the identity of such person. Except for the above reasons 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, refusal to register the document is without



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any legal basis and is totally misconceived. The respondent is directed to register the release deed within a period of two weeks from the date of receipt of copy of this order.

5. Accordingly, the present Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

18.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To
The Sub Registrar
Office of Sub Registrar
Acharapakkam, Chengalpattu District.



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P.T.ASHA, J,

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