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W.P.No.39051 of 2024

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P.T.ASHA, J.

Today the matter has been listed under the caption “*For Being Mentioned*”.

2. It is brought to the notice of this Court that after the orders have been pronounced, the Sub Registrar has refused to register the document, despite the orders of the Division Bench. The act is a clear case of contempt. The petitioners shall present the document on 23.12.2024. If the registration is not effected, this Court will be initiating suo motu contempt against the respondent.

21.12.2024

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W.P.No.39051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 39051 of 2024
&
W.M.P. No.42291 of 2024

1.Ram Perumal Sathi

2.Harini Sathi

...Petitioners

Vs.

The Sub Registrar,
Tambaram and Selaiyur,
Rajakilpakkam,
Chennai – 600 073.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to admit, register and release the release deed dated 23.12.2024 in TP.No.204203979/2024 to be presented for registration by the



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petitioners.

For Petitioners : Mr. V.P.Sengottuvel
Senior Counsel.
For Mr.N.R.Nishanth

For Respondent : Mr. B.Vijay
Additional Government Pleader.

ORDER

Challenging the refusal on the part of the respondent to admit, register and release the release deed dated 23.12.2024, the petitioners are before this Court.

2. It is their case that the father of the petitioners, S.P.Sathi had purchased an extent of 0.45 acre in S.No.122/3 in patta No.437, Perumbakkam Village, Saidapet District, from one C.Jaimohan, under a registered sale deed dated 08.07.1988. He had purchased another extent of 0.32 acre in S.No.127/4, in the very same village from one son of Velu and five others, under a sale deed dated 08.08.1988.



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3. The petitioners' father was in exclusive possession and enjoyment of the said lands. Perumbakkam village was thereafter transferred from Saidapet Taluk to Tambaram Taluk. Patta No.1540 was issued for the lands measuring 0.18.0 Hectares in S.No.127/4 and 0.13.0 Hectares in S.No.127/4, in the name of the petitioners' father. The petitioners were residing in the United States of America. Their father passed away suddenly on 07.01.1997, leaving behind him surviving the petitioners' mother and the petitioners who were then minors.

4. It is submitted that out of their natural love and affection for their mother they had decided to release their 2/3rd share in the property in favour of their mother. When the same was submitted before the respondent after the online appointment, the respondent informed the petitioners that the same cannot be registered as the petitioners were in possession of only the certified copies of the documents of title and not



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the originals. Therefore, the petitioners are before this Court.

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

6. The Division Bench in the case reported as ***Ramayee - Vs - The Sub Registrar and others - (2020 (6) CTC 697)*** has held that except for documents enumerated under Sub Section 1 and 2 of Section 22-A of the Registration Act, the registering authority has no power to refuse the registration.

7. Therefore, in the light of the above order of the Division Bench, the respondent shall register the same on its presentation as the petitioners are residing in the United States of America and have come down for the registration.



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8. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

20.12.2024

Index : Yes/No
Internet : Yes/No
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Note: Issue order copy on 21.12.2024.



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To

The Sub Registrar,
Tambaram and Selaiyur,
Rajakilpakkam,
Chennai – 600 073.



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20.12.2024