



W.P(MD)No.6876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6876 of 2024

T.Senthilvelan

... Petitioner

Vs.

The Sub Registrar,
Karivalamvandhanallur,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip in RFL/Karivalamvanthanallur/3/2024 dated 29.02.2024 on the file of the respondent and quash the same and consequently directing the respondent to register the sale deed dated 29.02.2024.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



WEB COPY



W.P(MD)No.6876 of 2024

ORDER

Heard both sides.

2.The petitioner along with other family members executed sale deed dated 29.02.2024 in favour of one Jothi Seethalakshmi and S.Ramkumar conveying the petition mentioned property. The document was presented for registration. The registering authority refused registration on the ground that in the A-Register, the name of one Madasamy is mentioned and the petitioner has failed to demonstrate as to how he tracing his title to Madasamy. The registering authority wanted the petitioner to produce the death certificate and legal heir certificate of the said Madasamy. Challenging the said refusal check slip, the present writ petition came to be filed.

3.After hearing both sides, I am more than satisfied that the impugned refusal check slip has to be quashed. My attention is drawn to the patta standing in the name of Thirunavukarasu. The said Thirunavukarasu is none other than the father of the petitioner.



W.P(MD)No.6876 of 2024

4.It is stated that the said Madasamy is none other than the grandfather of the petitioner. But that is beside the point. When once the revenue authority issued patta in favour of the petitioner's father, it is not open to the registering authority to undertake any further exercise regarding tracing of the title. As rightly pointed out by the learned counsel appearing for the petitioner, the patta issued by the jurisdictional Tahsildar is clearly binding on the respondent herein. Rule 55 of the Registration Rules reads as follows:

“55. It forms no part of a registering officer’s duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

- (a) that the parties appearing or about to appear before him are not the persons they profess to be;*
- (b) that the document is forged;*
- (c) that the person appearing as a representative, assign or agent, has not right to appear in that capacity;*
- (d) that the executing party is not really dead, as alleged by the party applying for registration; or*



W.P(MD)No.6876 of 2024

(e) that the executing party is a minor or an idiot or a lunatic.”

WEB COPY

Thus an enquiry into the title is forbidden for the registering authority. Since the land in question is an agricultural land, the executant is obliged to produce the patta. The petitioner has very much produced the patta standing in the name of his father. The Tamil Nadu Patta Passbook Act, 1983 does not require that the patta should stand in the name of the executant.

5.In these circumstances, the stand taken by the respondent is unsustainable. The impugned refusal check slip is quashed. The parties are at liberty to re-present the document. It shall be received, registered and released subject to the fulfillment of the other usual formalities. This writ petition is allowed accordingly. There shall be no order as to costs.

21.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



W.P(MD)No.6876 of 2024

To

WEB COPY

The Sub Registrar,
Karivalamvandhanallur,
Tenkasi District.



WEB COPY



W.P(MD)No.6876 of 2024

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.6876 of 2024

21.03.2024