



W.P.(MD)No.11917 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.11917 of 2024

and

W.M.P.(MD)Nos.10621 & 11337 of 2024

Chinnadurai

... Petitioner

/Vs./

1. The District Registrar
District Registrar Office,
Tiruchirappalli District.

2. The Sub Registrar
Sub Registrar Office,
Manapparai,
Tiruchirappalli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st respondent in Na.Ka. 6251/Aa1/2022 dated 25.01.2023 and quash the same as illegal incompetent and without jurisdiction and further consequentially direct the respondents to register the sale deed which has been admit and withhold as a document P90/2021 in RFL/MANAPPARAI/BOOK/2/10 dated 25.04.2022 executed by petitioner's vendor in favour of the petitioner with respect to land 5 Acre 63 Cents in Survey Number 182/2 Nadupatti Village Manapparai Taluk Trichirappalli District.



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For Petitioner : Mr.S.Mohamed Azharudeen Sharof

For Respondents : Mr.M.Sarangan

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in Na.Ka. 6251/Aa1/2022 dated 25.01.2023, thereby, rejected the appeal filed by the petitioner and confirming the refusal check slip issued by the second respondent, dated 25.04.2022, thereby kept the document pending, which was presented for registered as Document No.P90/2021 on the ground that there is title dispute in respect of the subject property comprised in Survey No.182/2, Nadupatty Village, Manapparai Taluk, to an extent of 5 Acres 63 Cents.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The property comprised in Survey No.182/2, Nadupatty Village, Manapparai Taluk, to an extent of 11.26 Acres was purchased by one Zangama Reddiyar and Ramasamy Reddiyar and Rajalinga Reddiyar by



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registered sale deed. Thereafter, Ramasamy Reddiyar died and his daughter Parvathy inherited his share. Rajalinga Reddiyar also died, without any legal heir. Therefore, the property was divided into $\frac{1}{2}$ share and have title by the Zangama Reddiyar and Parvathy, in turn, the said Parvathy had executed sale deed in favour of the petitioner in respect of her half share in the subject property and the same was presented for registration. It was kept pending as P90/2021 on the ground that one Errammal objected the registration. Admittedly, the said Errammal is no way connected with the property and is not claiming any title over the property as if he is also one of the legal heir of the original purchaser of the subject property. Though the second respondent has no jurisdiction to go into the title over the property, the second respondent kept the sale deed as pending document. Therefore, the petitioner filed an appeal before the first respondent and the same was also dismissed and refused to register the sale deed on the ground that the patta was issued entire extent, the legal heir of the original purchaser, namely, Zangama Reddiyar and Ramasamy Reddiyar and Rajalinga Reddiyar, whereas on perusal of the patta issued in respect of the subject property stands in the name of Zangama Reddiyar and Parvathy. Therefore, both are having $\frac{1}{2}$



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share each over the subject property and the said Parvathy had executed sale deed in favour of the petitioner in respect of her $\frac{1}{2}$ share.

4. Further, the second respondent being the registering authority cannot go into the title over the property, that too on the objections raised by third party. This issue already dealt with by this Court reported in **2021-2-CWC-451 (Abdullasa V. Inspector General of Registration)**, and held that the Registrar cannot refuse to register the document on the basis of the objection raised by the rival claimant, who has a different source of title.

5. Similarly, in a judgment of the Hon'ble Supreme Court reported in **2016-10-SCC-767 (Satya Pal Anand V. State of M.P.)**, held that an enquiry into the title of the executant is beyond the powers of the Sub-Registrar. Therefore, mere objections raised by the third party, the document cannot be refused to be registered.

6. In view of the above, this Court is inclined to quash the impugned proceedings of the first respondent in Na.Ka. 6251/Aa1/2022



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dated 25.01.2023 and accordingly quashed. The petitioner is directed to present the sale deed for registration. On receipt of the same, the second respondent is directed to register and release the same forthwith.

7. With the above direction, this Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

20.11.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
LS

TO:-

1. The District Registrar
District Registrar Office,
Tiruchirappalli District.
2. The Sub Registrar
Sub Registrar Office,
Manapparai,
Tiruchirappalli District.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
20.11.2024