



W.P(MD)No.7769 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.7769 of 2019

and

W.M.P.(MD)No.6179 of 2019

K.Daniel Raj

... Petitioner

Vs.

1.The Sub-Registrar,
Panagudi, Tirunelveli District.

2.The District Registrar,
St.Marks Street, Sankar Colony,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order dated 13.03.2019 on the file of the 1st respondent in refusing the Registration of a sale deed dated 28.02.2019 executed in favour of the petitioner in respect of the land comprised in Survey No. 440/1B, situated in Panagudi Part-I Village, Tirunelveli District and quash the same and further directing the 1st respondent to accept the sale deed for registration and register the same in accordance with law.

For Petitioners : Mr.G.Prabhu Rajadurai

For Respondents : Mr.C.Satheesh

Government Advocate



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ORDER

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This writ petition has been filed challenging the order dated 13.03.2019 refusing to register the sale deed dated 28.02.2019 and directing the respondents to direct the 1st respondent to accept the sale deed for registration.

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

3.It is the case of the petitioner that the property in Survey No.440/B, measuring an extent of 4.59 acres belongs to one Duraimuthu. After his demise, the property devolved upon his three sons and four daughters. The three sons of the said Duraimuthu had conveyed the said property to various persons as if they alone inherited the property of their father. The petitioner also purchased 25 cents of land vide sale deed dated 05.06.2012 from the 4/7 undivided shares of the sons of the said Duraimuthu. When the said sale deed was submitted for registration, the same was refused to be registered on the ground of non production of partition deed among the children of the said Duraimuthu. Challenging the same, the petitioner has filed this writ petition.



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4.At the outset, the impugned order of refusal made by the first respondent cannot be sustained in the eye of law for the simple reason that the minimum enquiry requires to be done by the Sub Registrar under Section 34 of the Registration Act is only with regard to the identity of the persons entering in execution of the document and not beyond that. The Sub Registrar cannot venture into the title of the property. Therefore, merely because the co-owners have also dealt with the properties, the registration cannot be denied. It is for the parties to work out their remedy before the competent civil Court by adducing valid documents in support of their contentions.

5.In view of the above, the order passed by the first respondent dated 13.03.2019 is set aside and this writ petition is allowed. The first respondent is directed to register the sale deed dated 28.02.2019 presented by the petitioner within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

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