



W.P.(MD)No.14730 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.14730 of 2022

J.Shenbagavalli

... Petitioner

Vs.

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

2.B. Enamuthu

3.A.N.Anantha Selvakumaran

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No. 533/2021 dated 08.04.2022 in respect of the Pending Doc.No. 67/2021 and quash the same and consequently direct the 1st respondent to issue the certificate of registration of the sale deed in favour of the petitioner and return the document within the time fixed by this Court.



W.P.(MD)No.14730 of 2022

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.M.Siddarthan,
Addl. Govt. Pleader for R1
Mr.S.Packia Muthu for R2
Mr.R.T.Arivukumar for R3

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No. 533/2021 dated 08.04.2022 in respect of the Pending Doc.No. 67/2021 and quash the same and consequently direct the 1st respondent to issue the certificate of registration of the sale deed in favour of the petitioner and return the document within the time fixed by this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent, the learned counsel appearing for the second respondent and the learned counsel appearing for the third respondent and perused the materials available on record.

3. It is the case of the writ petitioner that the 2nd respondent sold the property to the petitioner and when the petitioner presented the sale deed for



W.P.(MD)No.14730 of 2022

registration, the first respondent refused to register the same and kept the document as pending Doc.No.67/2021 on the ground that the third respondent has given an objection petition. Challenging the same, the petitioner has filed this Writ Petition.

4. It is relevant to note that as far as registration is concerned, the title cannot be decided by the Sub Registrar. Rights of parties will be governed based on the their title and the earlier documents. In such view of the matter, merely on the basis of some protest petition, the document cannot be refused to be registered. This aspect has been elaborately dealt by this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the SubRegistrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]*** wherein it has been held as follows :

“In a judgment of this Court in the case of Abdullasa v Inspector General of Registration reported in 2021 2 CWC 451, this Court held that the Registrar cannot refuse to register the document on the basis of objections raised by a rival claimant, who has a different source of title. Similarly, the Hon'ble Apex Court in the case of Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767 has held that an enquiry into the title of the executant is beyond the powers of the Sub Registrar. Therefore, in view of the law declared in this regard, merely on the ground of protest petitions and objections raised by some third party, the document cannot be refused to be registered.”



W.P.(MD)No.14730 of 2022

In view of the above settled position of law, the document cannot be refused to be registered on the basis of a protest petition. Hence, the impugned Order has to be quashed.

5. Accordingly, this Writ Petition is allowed and the impugned Order passed by the first respondent dated 08.04.2022 in respect of the pending Doc.No. 67/2021 is quashed and the first respondent is directed to register the sale deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.14730 of 2022

WEB COPY

To
The Sub-Registrar, Melapalayam,
Tirunelveli District.



WEB COPY



W.P.(MD)No.14730 of 2022

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.14730 of 2022

09.08.2024