



W.P(MD)No.14351 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.14351 of 2023

J.Balaguru

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Gandarvakkottai, Pudukkottai District.

2.P.Saravanan

... Respondents

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 proceedings of the 1st respondent in RFL/Gandarvakottai/30/2023, dated 09.06.2023 and quash the same and consequently, to direct him to register the sale deed dated 09.06.2023 in respect of the land in Survey No.353/19A admeasuring 4846.14 sq.ft Plot at Mariyamman Kovil Street, Gandarvakottai, Pudukkottai, within a time frame that may be fixed by this Court.

For Petitioner : Mr.A.Senthilkumar

For R1 : Mr.C.Satheesh,
Government Advocate

For R2 : Mr.L.Jeen Felix



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ORDER

Challenge has been made to the refusal check slip issued by the 1st respondent dated 09.06.2023.

2. According to the petitioner, the property in Survey No.353/19A originally belonged to one Maruthaiya @ Maruthappan. After his death, his legal heirs executed a sale deed in favour of the 2nd respondent and the same was also registered on 13.07.2021 by the 1st respondent. Thereafter, the 2nd respondent has been in possession and enjoying the property in question. Thereafter, in the year 2023, the 2nd respondent executed a sale deed in favour of the petitioner. When the sale deed is presented for registration, it was refused by the 1st respondent, vide refusal check slip dated 09.06.2023, citing the objection given by some third parties, stating that they are also the legal heirs and they are having one another legal heir certificate in respect of the said Maruthaiya @ Maruthappan. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3. This Court is of the view that when the property in question has already been sold in the year 2021, which has not been challenged and no



partition suit has been filed by the objectors, mere giving a protest petition will not serve any purpose, since the right has already been established.

4.Filing of a protest petition is not a ground for not registering the document. The issue raised in this Writ Petition is no longer *res-integra*, in view of the judgment rendered by this Court in the case of **Subramani vs. the Sub Registrar and others** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:

“... b. refusal on the ground of title dispute, 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.”

5.This Court has also held that it is not the duty of the Sub Registrar to venture in the dispute of title. In such view of the matter, the refusal made by the 1st respondent cannot be sustained in the eye of law.



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6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip issued by the 1st respondent is quashed. The 1st respondent is directed to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

30.08.2024

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

Yuva

To
The Sub Registrar,
Registration Department,
Gandarvakkottai, Pudukkottai District.



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N.SATHISH KUMAR, J

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