



W.P.(MD)No.16122 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16122 of 2022

and

W.M.P.(MD)No.11650 of 2022

G.Seenivasan

... Petitioner

Vs.

1.The Sub-Registrar,
Sub-Registrar Office,
Kallikudi,
Madurai District.

2.V.K.Rajan

3.A.Muthuramalingam

4.P.Ravindran

5.M.Kasinathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in ThaVa. Manu No. 26/2022 dated 28.06.2022 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent not to register any further documents in respect of property in 1 acre 17 cents in S.No. 74/1A and 0.27.39 Ares in Survey No. 72/1B2C1 and 0.08.0 Ares in Survey No. 73/2A2 and 1 Acre 26 cents in Survey No. 74/1B and 25 cents in Survey No. 74/2A , 55 cents in Survey No. 73/2B and 41 cents Survey No. 73/2C, 1 Acre 12 cents in Survey No. 73/2D, totally 5 Acres 68 cents situated at Chennampatti Village, Kallikudi Sub-Divison, Madurai Sought Revenue District or otherwise to enter an entry in the



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Encumbrance Register of petitioner's representation cum objection dated 28.06.2022.

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For Petitioner	: Mr.V.Santhakumaresan
For R1	: Mr.P.Subbaraj Special Government Pleader
For R2	: Mr.V.Thirumal
For R3 to R5	: Mr.R.Murali

ORDER

Challenging the order passed by the second respondent dated 28.06.2022 rejecting the request of the petitioner not to register any further documents with regard to the subject properties, the present writ petition has been filed.

2.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the first respondent, learned counsel for the respondents 2 to 5 and perused the materials available on record.

3.The contention of the petitioner is that the subject property was purchased by the petitioner and one Sasikumar. The petitioner and the said Sasikumar had executed a power of attorney deed in favour of the second respondent. Taking advantage of the same, the second respondent had sold the properties of the petitioner without his consent. Hence, the petitioner made a representation to the first respondent to take action against the private respondents herein and not to register any further transaction in respect of the



subject property. The first respondent without considering the factual aspects, had rejected the representation of the petitioner. Challenging the same, the petitioner has filed this writ petition.

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.”

This Court has also held that it is not the duty of the Sub Registrar to venture in the dispute of title.



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5. In view of the above settled position of law, the order rejecting the request of the petitioner not to register any document with regard to the subject property passed by the first respondent does not warrant any interference from this Court. Accordingly, this writ petition is dismissed. It is for the petitioner to work out his remedy before the civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no

To

The Sub-Registrar,
Sub-Registrar Office,
Kallikudi,
Madurai District.



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N.SATHISH KUMAR, J.

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