



W.P.(MD) No.19843 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19843 2022

and

W.M.P.(MD)No.14452 of 2022

N.Shanmugapriay

...Petitioner

-vs-

1.The Registrar,
Department of Registration,
Dindigul District,
Dindigul.

2.The Sub-Registrar,
Sub Registrar Office,
Gujiliyamparai,
Dindigul District.

3.N.Manikandan
4.Aravindhan

...Respondents

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the order passed by the second respondent in S.No.48/2022 dated 30.06.2022 and quash the same as illegal consequently direct the second respondent to conduct the enquiry and pass orders in accordance with



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law on the basis of the petitioner's petition dated 30.06.2022.

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For Petitioner	: Mr.G.Thiruvartselvan
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent rejecting the request of the petitioner not to register any document with regard to the subject property.

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

3. It is the case of the writ petitioner that subject properties are the ancestral properties of the petitioner's husband and the sons of the petitioner have also right in the said property. Hence, the ancestral properties of the petitioner's husband cannot be subjected to any sale without the petitioner's son. In this regard, the petitioner made a representation in form of objections before the respondents. However,



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the second respondent rejected the same. Challenging the same, the petitioner has filed this writ petition.

4. The issued 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. In view of the above settled position of law, the order rejecting the request of the petitioner not to register any document with



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regard to the subject property passed by the second respondent does not warrant any interference of this Court. Accordingly, this writ petition 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.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Registrar,
Department of Registration,
Dindigul District,
Dindigul.
- 2.The Sub-Registrar,
Sub Registrar Office,
Gujiliyamparai,
Dindigul District.



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N.SATHISH KUMAR, J.

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