



W.P(MD)No.20301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20301 of 2024

K.Banumathi

... Petitioner

Vs.

1. Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-600 028.

2. The Sub Registrar,
Aruppukkottai Road,
Kamudhi Post, Kamudhi,
Ramanathapuram-623 603.

... 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 pertaining to the order passed in Receipt No.75/2024, dated 09.01.2024 passed by the 2nd respondent to quash the same as illegal, and consequently, to direct the 2nd respondent to register the Document Number:P/Kamudhi/1/2024.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.M.Siddharthan,

Additional Government Pleader



W.P(MD)No.20301 of 2024

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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.According to the petitioner, she is the owner of the property in S.F.No.247/2, Neeravi Village, Kamudhi Taluk, Ramanathapuram District. She executed a settlement deed in favour of her daughter and presented the same before the 2nd respondent for registration. However, the 2nd respondent issued refusal check slip dated 09.01.2024 based on the objection received from a third party. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.Mr.M.Siddharthan, learned Additional Government Pleader, who takes notice for the respondents, on instructions, submits that one Alamelu has given a protest petition, claiming that she is the owner of the property in question and therefore, the impugned refusal check slip has been issued by the 2nd respondent.



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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 2nd respondent cannot be sustained in the eye of law.



W.P(MD)No.20301 of 2024

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6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip issued by the 2nd respondent is quashed. The 2nd 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.

28.08.2024

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

Yuva

To

1. Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-600 028.

2. The Sub Registrar,
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W.P(MD)No.20301 of 2024

N.SATHISH KUMAR, J

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