



W.P.(MD)No.23926 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23926 of 2024

1.Alagappan

2.Kathan

3.Nachammal

. .. Petitioners

Vs.

1.The Inspector General of Registration,
Cathedral Road, Santhome,
Chennai.

2.The District Registrar,
District Registrar Office,
Karaigudi, Sivagangai District.

3.The Sub Registrar,
Sub Registrar Office,
Ponnamaravathy,
Pudukkottai District.

... 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 impugned refusal check slip number RFL/Ponnamaravathy/31/2023 dated 12.06.2023 issued by the third respondent and quash the same as illegal and without jurisdiction and further directing the third respondent to register the document presented



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by the petitioners in respect of Survey No.600/4 to an extent of 0.16.0 Ares of Ponnamaravathy Village, Ponnamaravathy Taluk, Pudukkottai District and return the same in accordance with law.

For Petitioners : Mr.D.Parisuthanathan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the impugned refusal check slip number RFL/Ponnamaravathy/31/2023 dated 12.06.2023 issued by the third respondent, the petitioners have filed this writ petition.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioners that they inherited the subject property in Survey No.600/4 to an extent of 0.16.0 ares of Ponnamaravathy West Village, Ponnamaravathy Taluk, Pudukkottai District, from their ancestors and they are in possession and enjoyment of the said property. The petitioners are the brothers and sister. They decided to settle the said property in favour of the second petitioner's



daughter. In the regard, when the document of settlement deed was presented for registration before the third respondent, the same was refused by register citing there was a protest petition filed by one Sukumar.

4. In Section 34 of the Registration Act, a minimum enquiry is contemplated only with regard to the identity of the person. That apart, 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.



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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 third respondent cannot be sustained in the eye of law.

6. Accordingly, this writ petition stands allowed and impugned refusal check slip number RFL/Ponnamaravathy/31/2023 dated 12.06.2023 issued by the third respondent is hereby set aside. The third respondent is directed to register the document presented by the petitioners within a period of one week from the date of receipt of copy of this order. No costs.

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Index : Yes / No
NCC : Yes / No
Rmk



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N.SATHISH KUMAR, J.

Rmk

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