



W.P.(MD)No.22115 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 20.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.(MD)No.22115 of 2022**

S.Kajamohideen

... Petitioner

Vs.

1.The Sub-Registrar,  
Sub Registrar Office,  
Melapalayam,  
Tirunelveli.

2.Meharbanu

3.Kadarfathu

.... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, challenging the impugned order passed by the 1<sup>st</sup> respondent in RFL/Melapalayam/70/2022 dated 13.9.2022 and quash the same and further directing the 1st respondent to register the sale deed dated 12.9.2022 of the petitioner which is relating to a house and site in Door No.7/131/88 in Plot no. 88 admeasuring 2.80 cents and Plot No. 89 and Door no. 7/131/89 admeasuring 2.94 cents in Ayan Punja land in Survey No. 43/2



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situated at Munneerpallam Village, Melapalaym Sub-registration limit,  
Palayamkottai Registration District, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.T.elvan  
For Respondents : Mr.P.Subbaraj,  
Spl. Govt. Pleader for R1  
Mr.S.Vashik Ali for R2 & R3

### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, challenging the impugned order passed by the 1<sup>st</sup> respondent in RFL/Melapalayam/70/2022 dated 13.9.2022 and quash the same and further directing the 1st respondent to register the sale deed dated 12.9.2022 of the petitioner which is relating to a house and site in Door No.7/131/88 in Plot no. 88 admeasuring 2.80 cents and Plot No. 89 and Door no. 7/131/89 admeasuring 2.94 cents in Ayan Punja land in Survey No. 43/2 situated at Munneerpallam Village, Melapalaym Sub-registration limit, Palayamkottai Registration District, Palayamkottai Taluk, Tirunelveli District.



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**2.** Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3 and perused the materials available on record.

**3.** It is the case of the writ petitioner that the petitioner has purchased the subject property from one Musirima for valuable consideration. When the petitioner presented the same for registration, the sale deed was refused to be registered on the ground that obstruction petitions have been given by the respondents 2 and 3. Challenging the same, the petitioner has filed this Writ Petition.

**4.** The learned counsel for the petitioner submitted that the name of the petitioner's vendor and his predecessor in title have been reflected in the tax receipt and they have paid the tax regularly. The petitioner has purchased the property after due verification. He further submitted that merely on the basis of the protest petition, the document cannot be refused to be registered.



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5. It is relevant to note that as far as registration is concerned, the title cannot be decided by the Sub Registrar. Rights of the parties will be governed based on their title and the earlier documents. In such view of the matter, merely on the basis of some protest petition, the document cannot be refused to be registered. This aspect has been elaborately dealt by this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the SubRegistrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]*** wherein it has been held as follows :

*“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.”*

In view of the above settled position of law, the document cannot be refused to be registered on the basis of a protest petition. Hence, the impugned Order has to be quashed.



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**6.** Accordingly, this Writ Petition is allowed and the impugned Order passed by the first respondent dated 13.09.2022 is quashed and the first respondent is directed to register the settlement deed dated 12.09.2022 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

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NCC : Yes/No  
Index : Yes/No  
vsm



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**N.SATHISH KUMAR, J.**

vsm

To

The Sub-Registrar,  
Sub Registrar Office,  
Melapalayam,  
Tirunelveli.

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