



W.A.(MD) No.1709 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A.(MD) No.1709 of 2024
and
C.M.P.(MD) No.13150 of 2024**

Manoj Adaikalaprabhakar
S/o.Rayappan

... Appellant

Vs.

The Sub-Registrar,
Keezhsathanur Sub Registrar Office,
Palani Nagar, LIC Colony,
K.K.Nagar,
Trichy - 21.

... Respondent

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 06.09.2024 made in W.P.(MD) No.21274 of 2024.

For Appellant : Mr.S.Lakshmanasamy

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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J U D G M E N T

WEB COPY [Judgment of the Court was made by R.SUBRAMANIAN, J.]

The challenge in the Writ Petition was to the refusal check slip issued by the respondent on the ground that the revenue documents do not reflect the names of the executants of the Sale Deed but reflect the name of the mother of the executants, as well as several other names.

2. The Writ Court had directed the Registering Authority, namely, the Sub-Registrar, to conduct an enquiry by issuing notice to all the joint pattadars, decide the question of title, and register the instrument after satisfying himself about the ownership of the executants of the property sought to be conveyed.

3. Mr.S.Lakshmanasamy, learned counsel for the appellant, would vehemently contend that the Registering Authority has no right to conduct the enquiry on the tile of the executants.

4. A perusal of the revenue record, namely, the patta, would show that a joint patta has been issued to atleast 16 persons for a total extent of



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4 - 49.00 Hectares. The appellant has produced an antecedent document, which shows that the mother of the executants, namely, Tmt.Pennachi, has purchased an extent of 8.60 Acres out of total extent of 11.09 Acres. The Sale Document was registered in the year 2011.

5. There is no provision under the Registration Act, 1908, which enables an enquiry by the Registrar into the title of the executant. In the case of joint patta, the Registering Authority will have to go by the Sale Deed. Once the Sale Deed shows that the predecessor's interest of the vendors is entitled to a particular extent, the Registrar cannot conduct an inquiry.

6. We, therefore, find that the Writ Court was not right in authorising such an enquiry by the Registrar. The impugned order of the Writ Court is set aside. The Writ Petition will stand allowed. There will be a direction to the Sub-Registrar concerned to register the Sale Deed within a period of 15 days from the date of its re-presentation. The petitioner will re-present the same within a period of 15 days from the date of receipt of a copy of this Judgment.



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7. This Writ Appeal is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

R.S.M., J. **S.M., J.**
23.09.2024

Index: Yes
Neutral Citation: Yes
Non-Speaking Order

JEN

Copy to:

The Sub-Registrar,
Keezhsathanur Sub Registrar Office,
Palani Nagar, LIC Colony,
K.K.Nagar,
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