



W.P.(MD) No.23255 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.23255 of 2024

and

W.M.P.(MD)No.19697 of 2024

Sivakumar

...Petitioner

-vs-

The Joint-III,
Sub Registrar,
Tiruchirappalli.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records to the proceedings of the respondent, namely refusal cheque slip bearing No.6194/2024-document No.P/Joint III Sub Registrar Trichy/65/2024 dated 12.09.2024 and quash the same and consequently direct the respondent to return the registered release deed dated 30.08.2024.

For Petitioners : Mr.R.Murali

For Respondent : Mr.M.Siddharthan

Additional Government Pleader



W.P.(MD) No.23255 of 2024

ORDER

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This writ petition has been filed challenging the refusal cheque slip bearing No.6194/2024-document No.P/Joint III Sub Registrar Trichy/65/2024 dated 12.09.2024 and consequently to direct the respondent to return the registered release deed dated 30.08.2024.

2.Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that the subject property belonged to the father of the petitioner. The family members of the petitioner, had executed a release deed in favour of the petitioner. When the petitioner presented the said release deed for registration, the same was refused to be registered on the ground of the objections raised by the third party with regard to the subject property. Challenging the same, the petitioner has filed this writ petition.



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4.At the outset, the impugned order of refusal made by the respondent cannot be sustained in the eye of law for the simple reason that 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.In view of the above, this writ petition stands allowed and the



W.P.(MD) No.23255 of 2024

impugned refusal in No.6194/2024-Document No.P/Joint III Sub Registrar Trichy/65/2024, dated 12.09.2024 issued by the respondent is hereby set aside. The respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

30.09.2024

Index : Yes / No
Internet : Yes / No
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To

The Joint-III,
Sub Registrar,
Tiruchirappalli.



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W.P.(MD) No.23255 of 2024

N.SATHISH KUMAR, J.

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W.P.(MD) No.23255 of 2024

30.09.2024