



W.P(MD)No.23779 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23779 of 2024

1.S.Selvaraj
2.Sethuthurai
3.Muthudurai
4.Shanmugathai

... Petitioners

Vs.

The Sub Registrar,
Kadayanallur,
Tenkasi District.

... Respondent

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 in RFL/Kadayanallur/51/2024 dated 18.09.2024 and quash the same and consequently direct the respondent to register the relinquishment deed dated 18.09.2024 executed by the petitioners 2 to 4 in favour of the first petitioner within the time fixed by this Court.

For Petitioners : Mr.H.Arumugam

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

Challenging the impugned order passed by the respondent rejecting the document presented by the petitioner, this writ petition has been filed.

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

3. The learned counsel for the petitioners would submit that the subject property was purchased by the petitioners' father in the year 1963 under the registered sale deed. After his demise, the petitioners are in join possession and enjoyment of the said property. It is the grievance of the first petitioner that when he presented the release deed dated 18.09.2024 for registration, the same has been refused by register citing that in respect of $\frac{1}{4}$ share, already some entry has been made. Hence, seeks direction.

4. At the outset, merely because entry has been made in respect of the subject property by some third party, the document cannot be refused. Whether the third party or the petitioner has right over the subject property, is the matter of evidence to be decided only before the competent civil Court by adducing evidence. The Sub Registrar cannot go into those aspect and decide the title.



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When the first petitioner presented the document along with all the title deeds,
it is for the respondent to register the same.

5. Accordingly, the impugned order passed by the respondent in RFL/Kadayanallur/51/2024 dated 18.09.2024 is hereby quashed and this Writ Petition is **allowed**. The respondent is directed to register the document presented by the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

04.10.2024
(2/2)

NCC : Yes / No
Index : Yes / No
Rmk

To
The Sub Registrar,
Kadayanallur,
Tenkasi District.



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N.SATHISH KUMAR, J

Rmk

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