



W.P(MD)No.23663 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23663 of 2024

and

W.M.P(MD).No.20040 of 2024

Chellammal

... Petitioner

Vs.

1.The District Registrar,
Near New Bus Stand,
Polepettai,
Thothukudi District.

2.The Sub-Registrar,
Sub-Registrar Office,
Pudukkottai,
Palayankottai Road,
Pudukkottai, Thoothukudi 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 check slip issued by the second respondent dated 25.09.2024 and quash the same and consequently directing the second respondent to accept the sale deed submitted by the petitioner dated 23.09.2024 and register the same in respect of S.No.139/3B to an extent of 75 cents situated at Allikulam Village, Pudukopttai, Ottapidaram Taluk, Thoothukudi District within the time stipulated by this Court.



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For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Challenging the impugned check slip issued by the second respondent dated 25.09.2024, 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 case of the petitioner is that the subject property situated in S.No.139/3B to an extent of 75 cents belongs to him and he executed a sale deed in favour of one Jeyaraj Lenin. It is the grievance of the petitioner that when he presented the sale deed for registration, the second respondent refused the same to register on the ground that objection raised by Suresh Kannan and Vinoth Kannan. Hence, the petitioner seeks direction of this Court.

4. At the outset, 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



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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. 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 second respondent cannot be sustained in the eye of law.

6. Accordingly, this writ petition stands **allowed** and the impugned check slip dated 25.09.2024 issued by the second respondent is hereby set aside. The second respondent is directed to register the document presented by



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the petitioner within a period of one week from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

03.10.2024

NCC : Yes / No

Index : Yes / No

Rmk

To

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Polepettai,
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N.SATHISH KUMAR, J

Rmk

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