



W.P.(MD)No.23939 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23939 of 2024
and
W.M.P(MD).No.20279 of 2024

Dheivanai

... Petitioner

Vs.

1.The District Registrar,
Tiruchirappalli District,
Cantonment, Tiruchirappalli.

2.The Sub Registrar,
Woraiyur Sub Registrar's Office,
Tiruchirappalli 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 pertaining to the impugned refusal check slip passed by the second respondent herein dated 25.03.2024 in RFL/Woraiyur/58/2024 and quash the same and consequently direct the second respondent to register the sale deed dated 25.03.2024 assigned with TP/178082772/2024 presented by the petitioner in accordance with law within the time frame fixed by this Court.

For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

Challenging the impugned check slip issued by the second respondent dated 25.03.2024, 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 he purchased the property in question from one Dhanalakshmi vide sale deed dated 25.03.2024. When the document in this regard was presented for registration before the second respondent, the same was refused by register citing on the ground that objection raised by the third party. 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 ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:



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“... 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 passed by the second respondent dated 25.03.2024 in RFL/Woraiyur/58/2024 is hereby set aside. The second respondent is directed to register the document presented by the petitioner within a



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N.SATHISH KUMAR, J.

Rmk

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

14.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

- 1.The District Registrar,
Tiruchirappalli District,
Cantonment, Tiruchirappalli.
- 2.The Sub Registrar,
Woraiyur Sub Registrar's Office,
Tiruchirappalli District

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