



W.P.(MD)No.23948 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23948 of 2024

Sheik Mansoor

. . . Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai 600 028.

2.The District Registrar,
O/o.District Registrar,
Registration Department,
Tirunelveli, Tirunelveli District.

3.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam, Tirunelveli 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 refusal check slip in refusal number: RFL/Melapalayam/131/2024 dated 30.09.2024 issued by the third respondent and quash the same as illegal, consequently direct the third respondent to register the sale deed dated 28.09.2024 presented by the petitioner.



W.P.(MD)No.23948 of 2024

For Petitioner : Mr.K.Sankar
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the impugned refusal check slip issued by the third respondent refusing to register the document presented by the petitioner on the ground that title has to be established, 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. It is the case of the petitioner that based on the oral hiba executed by one Rahmath Beevi in favour of one Raihana in respect of the property in question, the said Raihana sold the said property to the petitioner through her power agent. In this regard, when the sale deed was presented for registration before the third respondent, the same was refused on the ground that title has to be established. Hence, the petitioner is before this Court.



W.P.(MD)No.23948 of 2024

WEB COPY

4. At the outset, this Court is of the view that the registering authority has no power to go into this aspect and decide the title in view of the judgment rendered in the case of ***Subramani vs., the Sub Registrar.*** When there is no dispute with regard to the identity of a person, the detail with regard to oral hiba and other things cannot be gone into by the registering authority. It is the risk of the parties to purchase those property. In the event of any dispute, it is for them to establish the right before the civil Court, not before the Sub Registrar.

5. In such view of the matter, the order impugned in this writ petition in Refusal Number: RFL/Melapalayam/131/2024 dated 30.09.2024 is quashed and the respondent is directed to register the document presented by the petitioner within a week from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is allowed. No costs.

14.10.2024

Index : Yes / No
NCC : Yes / No
Rmk



WEB COPY



W.P.(MD)No.23948 of 2024

N.SATHISH KUMAR, J.

Rmk

To

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai 600 028.

2.The District Registrar,
O/o.District Registrar,
Registration Department,
Tirunelveli, Tirunelveli District.

3.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam, Tirunelveli District.

W.P.(MD)No.23948 of 2024

14.10.2024