



W.P.(MD)Nos.24828 and 24829 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.24828 and 24829 of 2024

1.N.Veerasugumari
2.N.Mathan Ragavendra

. .. Petitioners in both petitions

Vs.

1.The District Registrar,
Office of the District Registrar,
Tenkasi, Tenkasi District.

2.The Sub Registrar,
Joint Sub Registrar Office I,
Tenkasi, Tenkasi District.

3.M.D.K.Shanmuganathan
4.M.D.K.Subramanian

... Respondents in both petitions

(R3 and R4 are represented by their power of attorney
M.Sathish Kannan)

Prayer in W.P(MD).No.24828 of 2024 : 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 proceedings passed by the second respondent in Na.Ka.No.



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4400/Aa.Pa.Pi/2024 dated 21.09.2024 as well as the consequential impugned refusal check slip issued by the second respondent in RFL/No. 1 Joint Sub Registrar, Tenkasi /Book 2/10 dated 21.09.2024 and quash the same and consequently direct the second respondent to complete the entire registration process relating to the sale agreement dated 26.06.2024 (pending Doc.No.P24/2024) on the file of the second respondent and thereafter to release the document.

Prayer in W.P(MD).No.24829 of 2024 : 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 proceedings passed by the second respondent in Na.Ka.No. 4400-1/Aa.Pa.Pi/2024 dated 21.09.2024 as well as the consequential impugned refusal check slip issued by the second respondent in RFL/No. 1 Joint Sub Registrar, Tenkasi /Book 2/11 dated 21.09.2024 and quash the same and consequently direct the second respondent to complete the entire registration process relating to the sale agreement dated 03.07.2024 (pending Doc.No.P25/2024) on the file of the second respondent and thereafter to release the document.

In both petitions

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.C.Satheesh (for R1 & R2)
Government Advocate



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COMMON ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Mr.C.Satheesh, learned Government Advocate, accepts notice on behalf of the respondents 1 and 2 in both petitions.

3. Challenging the refusal check slip issued by the second respondent, these writ petitions have been filed.

4. It is the case of the petitioners that they presented the sale agreement before the second respondent for registration in respect of the subject property, the same was initially entertained for registration, thereafter, on the basis of the objection given by the respondents 3 and 4, the document has been refused by register vide impugned order dated 21.09.2024. It is the contention of the petitioners that the respondents 3 and 4 in an earlier occasion came before this Court by filing a writ petition in W.P(MD).No.20045 of 2022 seeking for cancellation of the document vide Doc.Nos.329/2009, 1395/2009, 208/2022 and 277/2022.



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This Court by order dated 29.08.2022 dismissed the writ petition relegating the parties either to approach the District Registrar or the civil Court. Pursuant to the said order, objection has been given by the respondents 3 and 4 to the District Registrar by way of protest petition. The District Registrar by order dated 22.06.2023 recorded the finding that the protest petition filed by the respondents 3 and 4 is beyond period of limitation and relegated the parties to approach the civil Court, since the dispute is with regard to title. Thereafter, when the present document, namely, the agreement of sale had been presented and entertained for registration, the similar objection, which was originally rejected by the District Registrar, once again given by the third and fourth respondents and the same has been entertained by the Sub Registrar and thereby, impugned orders have been passed. According to the petitioners, the same have to be quashed.

5. At the outset, the order passed by the Sub Registrar cannot be sustained in the eye of law. The registering authority has no power to go into the title and entertain the objection. Further, merely on the basis of the protest petition, the document cannot be refused to register in view of the judgment rendered by this Court in the case of ***Subramani vs. the***



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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.”

6. That apart, this Court has already directed the respondents 3 and 4 to go to the civil Court for establishing the right in the manner known to law, without doing so, they cannot stall the registration by way of filing a protest petition, that too, already rejected by the District Registrar. In such view of the matter, the impugned orders passed by the second respondent in RFL/No.1 Joint Sub Registrar, Tenkasi /Book 2/10 and RFL/No.1 Joint Sub Registrar, Tenkasi /Book 2/11, dated 21.09.2024, are hereby quashed and these Writ Petitions are **allowed**.



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The second respondent is directed to register the petition mentioned documents within a week from the date of receipt of a copy of this order.

The respondents 3 and 4 are directed to approach the civil Court to establish their right over the subject property. It is also made clear that the registration of the petition mentioned document is always subject to the outcome of the civil suit. No costs.

22.10.2024

(2/2)

Index : Yes / No
NCC : Yes / No
Rmk

To

1.The District Registrar,
Office of the District Registrar,
Tenkasi, Tenkasi District.

2.The Sub Registrar,
Joint Sub Registrar Office I,
Tenkasi, Tenkasi District.



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N.SATHISH KUMAR, J.

Rmk

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