



W.P.(MD)No.24658 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24658 of 2024
and W.M.P(MD).Nos.20978 and 20979 of 2024

1.V.Sundarapandian
2.R.Santhosh Kumar

... Petitioners

Vs.

The Sub Registrar,
Kovilpatti, Thoothukudi 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 of the respondent herein in his proceedings in Refusal Check Slip in RFL/Kovilpatti/66/2024 dated 02.07.2024 which was served to the petitioners on 31.08.2024 and quash the same and consequently direct the respondent herein to register the sale deed dated 02.07.2024 presented by the petitioner in respect of the property in S.No. 187/12 to an extent of 0.24 ares (59 cents) in Kattaramanpatti Village, Varathampatti Panchayat, Ettayapuram Taluk, Thoothukudi District.

For Petitioners : Mr.K.Hemakarthiskeyan
For Respondent : Mr.P.Subbaraj
Special Government Pleader



W.P.(MD)No.24658 of 2024

WEB COPY

ORDER

Challenging the impugned Refusal Check Slip in RFL/Kovilpatti/66/2024, dated 02.07.2024, issued by the respondent, 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 petitioners is that they purchased the subject property in S.No.187/12 to an extent of 59 cents from one T.Samuthiramuthu. In this regard, when the document was presented for registration, the same was refused by the respondent on the ground that there was a protest petition. Hence, the petitioners seek 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:



WEB COPY

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

6. Accordingly, this writ petition stands **allowed** and the impugned order in RFL/Kovilpatti/66/2024, dated 02.07.2024, issued by the respondent is hereby set aside. The respondent is directed to register the petition mentioned document within a period of one week from the



WEB COPY



W.P.(MD)No.24658 of 2024

N.SATHISH KUMAR, J.

Rmk

date of receipt of copy of this order. No costs. Consequently, connected
Miscellaneous Petitions are closed.

18.10.2024

(2/2)

Index : Yes / No

NCC : Yes / No

Rmk

To

The Sub Registrar,
Kovilpatti, Thoothukudi District.

W.P.(MD)No.24658 of 2024