



WP(MD). No.25147 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25147 of 2024

A. Malaichamy

... Petitioner

Vs

The Sub-Registrar,
Sub-Registrar Office,
Thamaraipatti
Situating at Chittampatti,
Madurai 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 record pertaining to the impugned Refusal Check Slip in Refusal Number in RFL/Thamaraipatti/22/2024, dated 23.09.2024 issued by the respondent and quash the same as illegal and incompetent and consequently direct the respondent to register the Sale Deed which was presented by the petitioner on 20.09.2024 within the time fixed by this Court.

For Petitioner : Mr.V.Santhakumaresan

For Respondent : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

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

2. The writ petition has been filed challenging the impugned refusal slip issued by the respondent dated 23.09.2024 and consequently direct the respondent to register the Sale Deed, which was presented by the petitioner on 20.09.2024 within the time fixed by this Court.

3. According to the petitioner, the subject property is the ancestral property of the petitioner. When the petitioner presented a sale deed for registration, the same was refused to be registered on the ground that there are some discrepancies in the name of the owner of the property and also based on the protest petition preferred by third parties.

4. It is the contention of the petitioner that the name of the owner is one and the same and one letter is different. Therefore, as far as the title is concerned, there cannot be any dispute. If at all the third party has



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raised any protest petition, it is for him/them to establish the title before the competent civil Court and further on the basis of the registered document, the petitioner can establish title. Therefore, it is not for the authorities to go into the title issue.

5. The issue in hand is no longer res integra in view of the decision in *Subramani v. Sub Registrar and another [(2024) 3 MLJ 588]*, wherein, this Court has elaborately held that filing/pendency of a protest petition is not a ground for not registering the document.

6. Accordingly, the writ petition is allowed and the impugned order is quashed. There shall be a direction to the respondent to register the document as per law within a period of seven days from the date of receipt of a copy of this order. No costs.

23.10.2024

RR

TO

1. The Sub-Registrar,
Sub-Registrar Office,
Thamaraipatti Situated at Chittampatti,
Madurai District..

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N.SATHISH KUMAR,J

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**ORDER
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