



W.P.(MD)No.25415 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25415 of 2024

Sri Devi Kali Selvam

... Petitioner

Vs.

The Joint Registrar No.I,
Tenkasi, Tenkasi 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 impugned refusal check slip issued by the respondent in Refusal Number:RFL/Joint Registrar No.I, Tenkasi/Book 2/12 dated 04.10.2024 and quash the same as illegal and consequentlly direct the respondent to register the settlement deed dated 24.01.2024n without insisting the original parent documents within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.M.Siddharthan

Additional Government Pleader

ORDER

Challenging the impugned Refusal Check Slip in RFL/Joint Registrar No.I, Tenkasi/Book 2/12 dated 04.10.2024, issued by the respondent, this writ petition has been filed.



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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 the petitioner intended to settle his 1/3rd share in the subject property in favour of his daughter. 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 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:

“... 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.



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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/Joint Registrar No.I, Tenkasi/Book 2/12 dated 04.10.2024, 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 date of receipt of copy of this order. No costs.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

The Joint Registrar No.I,
Tenkasi, Tenkasi District.



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N.SATHISH KUMAR, J.

Rmk

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