



W.P(MD)No.26248 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.26248 of 2024

1.Sridaran
2.Sujoshi
3.Saraswathi
4.Mangalam

... Petitioners

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai-600 028.

2.The District Registrar,
Madurai District, Madurai.

3.The Sub Registrar,
Office of the Sub Registrar,
Melur West, Melur Taluk,
Madurai District.

... Respondents

PRAAYER: 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 pertaining to the order of refusal slip passed by the 3rd respondent dated 15.10.2024 in RFL/Melur(West)29/2024 and quash the same as illegal and consequently, to direct the 3rd respondent to register the sale deed dated 12.09.2024 in respect of the properties with petitioners' respective shares (1/2 share) in S.F.Nos.83/1, 83/3, 83/4, 315/9B4 and 85/4, having total extent of 0.74.91 Hectares of agricultural lands of Pudusukkampatty Village, Melur Taluk, Madurai District.



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For Petitioners : Mr.K.Baalasundharam,
Senior Counsel,
for M/s.KBS Law Office

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

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

2.According to the petitioners, when they presented the sale deed dated 12.09.2024, which is executed in favour of one Vijayaraghavan in respect of the property in S.F.Nos.83/1, 83/3, 83/4, 315/9B4 and 85/4, having total extent of 0.74.91 Hectares of agricultural lands of Pudusukkampatty Village, Melur Taluk, Madurai District, for registration, the 3rd respondent, vide refusal check slip dated 15.10.2024, refused to register the same, citing the protest petition filed by one K.Pandi and six others and stating that they had filed applications, claiming cultivating tenants patta in respect of the property in question before the Tahsildar concerned. Challenging the same, the petitioners have filed this Writ Petition.



3.At the outset, this Court is of the view that mere pendency of the enquiry before the Tahsildar concerned, claiming cultivating tenants patta, is not a ground for not registering the document and even assuming that such application is ordered, the tenants get statutory protection and that will not take away the rights of the owner of the property to deal with the property.

4.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. 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.”



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5. In such view of the matter, the impugned refusal check slip issued by the 3rd respondent is quashed. Accordingly, this Writ Petition is allowed with a direction to the 3rd respondent to register the document presented by the petitioners, within a period of one week from the date of receipt of a copy of this order. No costs.

30.10.2024
(5/6)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai-600 028.
2. The District Registrar,
Madurai District, Madurai.
3. The Sub Registrar,
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N.SATHISH KUMAR, J

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