



W.P(MD)No.26121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.26121 of 2023

A.S.Bhuvaneswaran

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Mylapore,
Chennai-600 028.

2.The District Registrar,
57, Railway Feeder Road,
Tenkasi-627 811

3.The Sub Registrar,
Veerasikamani Sub Registrar Office,
Veerasikamani
Sankaran Kovil Taluk,
Tenkasi-627 862

4.R.Perumalsamy

5.S.Sekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relates to impugned the order of the 3rd respondent and made in Na.Ka.No.141/2023 dated 19.09.2023 and quash the same as it is arbitrary and illegal and in consequence to direct the 3rd respondent to receive and register the sale deed 02.08.2023 made between the petitioner and the 5th respondent



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relates to the land admeasuring 1 cre 54 cents in S.No.359/2 in Vellalankulam Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner : Mr.R.Suriya Narayanan
for Mr.R.Prabakar
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 :Mr.S.Palanivelayutham
For R5 :No appearance

ORDER

Challenge has been made to the impugned order passed by the third respondent dated 19.09.2023.

2.According to the petitioner, when he presented the sale deed dated 02.08.2023, which is executed in his favour, for registration, it was refused by the third respondent, vide refusal order dated 19.09.2023 on the ground that an objection letter has been given by the fourth respondent herein. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.Despite service of notice, the fifth respondent has not chosen to appear either in person or through counsel.



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.”

5.In such view of the matter, the impugned refusal order passed by the third respondent dated 19.09.2023 is quashed. The third respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is allowed. No costs.

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01.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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N.SATHISH KUMAR, J

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