



W.P.(MD) No.22519 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.22519 of 2017

and

W.M.P.(MD) No.18817 of 2017

1.K.Albert

2.K.Jeyapaul

3.K.Jeyasingh

4.K.Dhanasingh

.. Petitioners

Vs.

1.The District Registrar,
Tuticorin District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Nazareth, Tiruchendur Taluk,
Tuticorin District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to call for the records relating to the check - slip issued by the Sub-Registrar, the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to register the document in respect of the property which is situate in Survey



W.P.(MD) No.22519 of 2017

Number 76/2 of an extent of 5 acres 26 cents which is situate at Nazareth
Registration Department, Palayamkottai Registration District.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.M.Saravanan
Additional Government Pleader

ORDER

The challenge in the writ petition is to a check slip dated 27.10.2017 issued by the second respondent to register the sale deed presented by the petitioner on the ground that the petitioner has failed to produce the patta mentioning the name of all the legal heirs.

2. The right of the Registering Authority to enquire into the title of the property has been deprecated by this Court in the judgment reported in **2020 (6) CTC 697 (N.Ramayee Vs. Sub Registrar, Registration Department and another)** and in **W.A.(MD) Nos.203, 241 and 332 of 2024, dated 08.08.2024 [Arulmiugu Kallalagar Tirukoil vs. Dinakaran and Ors]**.



W.P.(MD) No.22519 of 2017

WEB COPY

3. In view of the categorical pronouncement by the Division Bench of this Court, the impugned order is liable to be set aside and is accordingly set aside. The second respondent shall endeavour to register the document as and when the same is presented by the petitioner for registration.

4. With the aforesaid directions, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.12.2024

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

abr

To

1. The District Registrar,
Tuticorin District.
2. The Sub-Registrar,
Office of the Sub-Registrar,
Nazareth, Tiruchendur Taluk,
Tuticorin District.



WEB COPY



W.P.(MD) No.22519 of 2017

K.KUMARESH BABU, J.

abr

W.P.(MD) No.22519 of 2017

Dated: 10.12.2024