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WA.No.232/2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

WA.No.232/2025

&

CMP.No.1641/2025

The Sub Registrar
Office of the Sub Registrar of Anna Nagar
Anna Nagar, Chennai 600 037.

... Appellant

Vs.

G.Ravi

... Respondent

Prayer : Writ appeal filed under Clause 15 of Letters Patent against the order dated 02.08.2024 in WP.No.22409/2024.

For Appellant : Mr.P.Harish, GA



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WA.No.232/2025

JUDGMENT

[Delivered by S.S.SUNDAR, J.,]

- (1) This writ appeal is directed against the order of the learned Single Judge dated 02.08.2024 allowing the writ petition filed by the respondent herein challenging the refusal check slip dated 12.06.2024 of the appellant, refusing to register the Mortgage Deed dated 12.06.2024 executed by the respondent herein in favour of one Kanagavel.
- (2) Brief facts that are necessary for the disposal of this writ appeal are as follows:-
- (3) The respondent herein claimed to be the owner of the property in S.No.141/3A measuring an extent of 2385 sq.ft., by virtue of a Release Deed dated 28.07.2021 registered as Doc.No.2409/2022 on 13.05.2022 in the office of the Sub Registrar, Anna Nagar, Chennai. It is the case of the respondent/writ petitioner that a third party tried to encroach into the property of the respondent and therefore, the respondent lodged a criminal complaint before the Commissioner of Police, Chennai, which is now pending investigation in C.No.637/COP/V/CCB/2024. After the



WA.No.232/2025

WEB COPY

Release Deed in favour of the respondent, the respondent executed a Mortgage Deed in favour of one Kanagavel for a total sum of Rs.13 lakhs. The Mortgage Deed dated 12.06.2024 was presented for registration. The appellant herein refused to register the same on the ground that criminal investigation is pending by referring to the complaint that was lodged by the respondent himself as against the third party. The registration of document was kept pending by the Refusal Check Slip for obtaining genuineness certificate from the Tahsildar concerned. Challenging the same, the respondent filed WP.No.22409/2024. The learned Single Judge, after recording the fact that the genuineness of original patta had already been verified by the appellant and at the time of registration of Release Deed held that the impugned order refusing to register the document is arbitrary and illegal. Since the very criminal complaint was lodged by the respondent himself and pendency of such complaint cannot be a reason for registering the document by the appellant, learned Single Judge held that the reason for refusing is unsustainable.

(4)The learned Judge then relied upon an order of this Court made in



WA.No.232/2025

WEB COPY

WP.No.11056/2024 dated 26.04.2024 wherein it is held that the Registrar has no power to refuse to register the document merely because he has received a communication from the police officials. The impugned Check Slip was therefore, quashed by the learned Single Judge. Aggrieved by the same, the present writ appeal is filed by the Sub Registrar based on further information received from the Tahsildar.

(5)Mr.P.Harish, learned Government Advocate appearing for the appellant relied upon a communication addressed by the Sub Registrar to the Tahsildar concerned and the response he has received from the Tahsildar. Learned Government Advocate submitted that the appellant after addressing a communication to the Tahsildar concerned about a few discrepancies in patta produced by the writ petitioner/respondent herein, has found that the revenue documents stand in the name of third parties as far as the property which is the subject matter of document. Since the Sub Registrar has now been informed that the property has been subdivided in the name of third parties, it is stated that it will be a bad precedent to register the document. He relied upon a few rules which are relevant only about the duty of Sub Registrar to verify the identity of



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property. He also stated in the affidavit that the records sent by the Tahsildar does not match the patta produced by respondent.

(6) This Court is unable to appreciate any of the contentions of the learned Government Advocate.

(7) First of all, it is admitted that patta had already been issued in the name of Tmt.G.Shanthi, from whom the respondent claimed title. Merely because there is some discrepancy in the revenue records, the appellant cannot treat the property as the property of any other individual. The communication stated to have been received by the Sub Registrar from the Tahsildar may only indicate that there is a rival claim or dispute regarding title.

(8) The learned Government Advocate also pointed out from the subsequent communication which the Sub Registrar has received from the Tahsildar that the disputed survey field is registered in the name of a third party as per the computer generated chitta extract.

(9) It is not for the Sub Registrar to decide the question of title. The Registrar has power to hold an enquiry regarding identity of executant and not about the title of the property. Therefore, the contention that the



WA.No.232/2025

WEB COPY

property is registered in the name of some third party as per revenue records cannot be considered to be a valid reason to refuse to register the document. When the previous document of conveyance is registered on the basis of patta after verification of the genuineness of the document, this Court is unable to sustain the order of the Sub Registrar.

(10) Hence, the writ appeal stands **dismissed as devoid of merits.** The order of the learned Single Judge in allowing the writ petition stands **confirmed.** No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [P.D.B., J.]
29.01.2025

AP

Internet : Yes

Neutral Citation: Yes/No

To

The Sub Registrar

Office of the Sub Registrar of Anna Nagar

Anna Nagar, Chennai 600 037.



WEB COPY



WA.No.232/2025

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and
P.DHANABAL, J.,

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WA.No.232/2025

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