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W.P.No. 2580 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2580 of 2025

K.Murthi

.... Petitioner

Vs

The Joint I Sub-Registrar
District Registrar Office
Gobichettipalayam
Erode District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Refusal Check Slip issued by the respondent in RFL/Joint I Sub Registrar, Gobichettipalaya,/8/2024 dated 05.12.2024 and quash the same and consequently direct the respondent to register the partition deed dated 29.11.2024 presented by the petitioner for registration within a time frame that may be fixed by this Court.

For Petitioner	:	Mr.K.S.Jeyaganeshan
For Respondent	:	Ms.C.Meera Arumugam Additional Government Pleader



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ORDER

Challenging the refusal check slip issued by the respondent, the petitioner is before this Court.

2. The case of the petitioner is that his father owned certain extent of land in S.F.No.300/2 of Alukkuli Village, Gobichettipalayam Taluk, which his father had acquired through the purchases vide sale deeds dated 10.07.1969, 06.02.1975 and 26.04.1979 registered as Document No.1963 of 1969, Document No.288 of 1975 and Document No.1129 of 1975 respectively on the file of Sub Registrar, Gobichettipalayam. On 25.05.2006, his father executed a Will in favour of the petitioner and his brother Natarajan. His father died on 13.04.2008, leaving behind the petitioner, his brother Natarajan and his sister Ramayal as his surviving legal heirs. On the demise of his father, the Will came into force and thereafter, the petitioner and his brother became the absolute owner of the aforesaid properties. Thereafter, they decided to sell their undivided share of 0.10 cents of lands for a sale



consideration of Rs.10.0 lakhs to one Velliangiri and executed a sale agreement dated 01.12.2013, by receiving a sum of Rs.5.0 lakhs as advance, but the said sale transaction could not completed as their purchaser is not ready to pay the remaining sale consideration.

3. Be that as it may, the petitioner and his brother decided to partition the properties and therefore, they entered into a partition deed on 29.11.2024. According to the petitioner, the parent documents namely the three original sale deeds got misplaced. Hence, at the time of presenting the said partition deed before the respondent for registration, the petitioner produced the certified copy of the said sale deeds along with Encumbrance certificate and joint patta. The respondent however refused to register the partition deed and returned the document by issuing a Refusal Check Slip. The reasons stated in the refusal check slip are : (i) original title deeds not produced (ii) Will not registered (iii) revenue records not mutated in their names (iv) the period of three years fixed under the Specific Relief Act, 1963 not yet expired for the sale agreement dated 01.12.2023. Aggrieved by the act of the respondent, the petitioner is before this Court.



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4. Heard the learned counsel on either side.

5. As per Section 34 of the Registration Act, the scope of enquiry is limited. The reasons now given in the impugned order does not come within the purview of enquiry contemplated under Sec.34 of the Registration Act. As per the judgment in *Ramayee Vs The Sub Registrar and others - (2020 (6) CTC 697)*, the role of the registering authorities while considering a document for registration is to verify its execution, identity of the executant or the agent/ representative assigned etc. The registering authority cannot go into the question of title. Therefore, the non-production of original title deeds will not render a document submitted for registration before the respondent as unregistrable. The other reason for refusal that the Will so produced by the petitioner is an unregistered one, cannot be held as a ground for refusing the registration, particularly, when it is not mandatory that a Will need to be a registered one, as per the law contemplated for registration of a document. Insofar as the contention stated by the respondent that the period of three years



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fixed under the Specific Relief Act, 1963 has not expired for the sale agreement dated 01.12.2023 is concerned, the respondent appears to be canvassing the case of the agreement holder, which also cannot be a criteria to reject the registration of a document. Therefore, the impugned order necessarily has to be set aside and it is accordingly set aside.

6. With the above observation, this writ petition is allowed, and the respondent is directed to register the partition deed within a period of two weeks from the date of its re-presentation. No costs.

29.01.2025

Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To:

The Joint I Sub-Registrar
District Registrar Office
Gobichettipalayam
Erode District.



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P.T.ASHA, J.,

ds

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