



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3740 of 2025

J.Prithviraj

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai – 600 028.

2.The District Registrar,
Salem.

3.The Sub-Registrar,
Valappadi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd respondent to register the pending sale deed in P/Valappadi/27/2024 dated 15.11.2024 and release the same to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Balasubramaniam

For Respondents : Mr.Abishekmurthy
Government Advocate



pending. Such objection by itself is not a ground to keep the registration pending.

The law on this issue was explained by this Court in ***A.Abdullasa vs. Inspector General of Registration, Inspector General Office, No.120, Santhome High Road, Chennai – 600 026*** reported in ***2021 2 CWC 451*** and the relevant portions are extracted hereunder:

4. This Court has repeatedly held in several cases that registration of documents cannot be refused by Registrar unless the situation warrants as contemplated under Sections 71 & 72 of the Registration Act or under Section 22-A of the Registration Act. Though the Registrar under the Registration Act is empowered to conduct enquiry with regard to identity of person executing a document/instrument as contemplated under Section 33 of Registration Act read with Rule 55 of the Rules framed under Registration Act, the Registrar cannot refuse to register the document on the basis of objections raised by a rival Claimant, who has different source of title. If the Petitioner satisfies the Registrar as to what is required in law to register the document, the Registrar shall not dwell upon the issues, which are not within the scope of Registration Act or within his power. It is also to be noted that the documents presented by the Petitioners in these cases were executed on 27.4.2018. As a matter of fact, the Petitioners are



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subsequent purchasers. The dispute appears to be between the persons claiming under Govinda Konar on the basis of Will alleged to be executed by Govinda Konar and the children of Govinda Konar, who are entitled to get the property by succession. The document that was executed by the children of Govindan earlier on 24.3.2011 and 26.3.2012 were accepted for registration without any query/or objection. The Petitioners have purchased the property from the persons, who have purchased the property from the heirs of Thiru, Govinda Konar. It is not appropriate to doubt the bona fides of the transaction after allowing the previous documents to be registered in the manner known to law.

5. The learned Counsel appearing for the Sixth Respondent in W.P. No.15663 of 2018 submitted that a Suit is pending and that therefore there cannot be a direction to the Sub-Registrar to register the document. Having regard to the reasons stated above to set aside the order of Sub-Registrar namely the Third Respondent, the contention of the Petitioners cannot be countenanced. The disputed question of title cannot be allowed to be decided by the Registration Authority exercising its power or jurisdiction under the Registration Act. As pointed out by this Court in several Judgments the impugned Order of refusal to register the document cannot be justified. Therefore the Writ Petitions are allowed. Impugned Order passed by the Third Respondent is set aside and



the Third Respondent is directed to register the Sale Deed and release the Sale Deed presented on 27.4.2018 or to be presented pursuant to their order within a period of two weeks from the date of receipt of a copy of this order.

5. In view of the above, if the document is kept pending only on the ground of objections made that a suit is pending, that will be no bar for the 3rd respondent to registering the document, if it is otherwise in order. If there is no restraint order passed by a competent Court, the 3rd respondent cannot keep the document as a pending document.

6. In view of the above, there shall be a direction to the 3rd respondent to register the pending document in P.No.27/2024, if it is otherwise in order.

7. This writ petition is disposed of with the above directions. No Costs.

05.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

SSI

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai – 600 028.
- 2.The District Registrar,
Salem.
- 3.The Sub-Registrar,
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