



Writ Petition No.13624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.13624 of 2025

and

W.M.P.No.15286 of 2025

K.Palanisamy

... petitioner

Vs

1. The Sub Registrar
Gandhipuram
O/o. Sub Registrar
Gandhipuram
Coimbatore.

2. P.V.Jagadeesan

3. Mrs.Shabana Shree

4. R.Ravichandran

5. D.Mohan Kumar

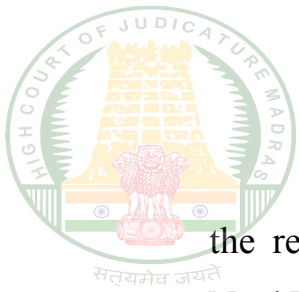
6. S.Muniasamy

7. P.Ramasamy

8. P.Sathiyarayanan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for



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the records on the file of the 1st respondent in his proceedings letter No.45/2025 dated 03.02.2025 and quash the same as illegal and null and void without jurisdiction and consequently, direct the 1st respondent to register the sale agreement dated 04.01.2025 entered between the petitioner with 2nd respondent.

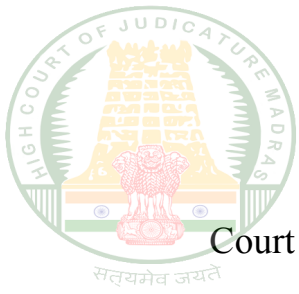
For Petitioner : Mr.Venkatesh .S
For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 03.02.2025 and for consequential direction to the first respondent to register the sale agreement dated 04.01.2025 entered into between the petitioner and the second respondent.

2. Heard Mr.S.Venkatesh, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of the 1st respondent.

3. It will suffice to take note of the earlier order passed by this



Court in W.P.Nos.12216 and 12673 of 2024 wherein a similar grievance was expressed by the adjacent land owners and the said writ petitions were allowed by a common order dated 28.06.2024 in the following terms:

'5. The learned counsel appearing for the petitioner placed before this Court various documents to substantiate that the Power of Attorney dated 19.08.2005 itself was executed by a person, who was not at all have any control over the company. A person who had already resigned on 06.06.2015 had executed such document on 09.08.2005. Pursuant to the said Power of Attorney, a sale deed has been executed on 11.05.2007 in favour of the third respondent, just including that survey number. Hence it is their contention that it is a different number. Further that sale deed did not give any title to the property. The document produced before this Court, namely the Form-32 submitted to the Registrar of Companies indicate that the person, who had executed the Power of Attorney has already resigned on 06.06.2005. Having resigned on 06.06.2005, the power deed has been given on 09.08.2005. Thereafter the sale deed has been executed on 11.05.2007.

6. When such being the position, this Court is of the view that merely because some entries have been made on the basis of the document executed by a person who has no title to the property, the real owner cannot be prevented to deal with the property. Therefore, the registration cannot be refused on the ground of earlier document. Ultimately, the rights will be decided based on the priority rights already created on the basis



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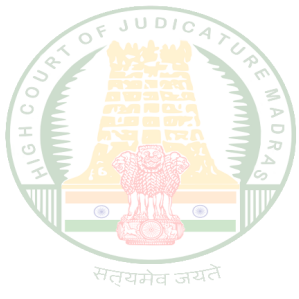


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of the document. Even there are various documents in respect of the same property registered, the right of the parties will be decided on the basis of real title. Such is the case here, it appears that document earlier registered is not emanated from the title holder. When such being the position, it is for the parties to work out their remedy in the civil Court to establish their title based on the document they rely. In such view of the matter, the registering authority cannot refuse to register the documents. Hence, the impugned order of the first respondent is liable to be quashed.

7. It is also made clear that merely because some parties placing some title on the basis of some document and the document has been registered, it cannot be presumed that those documents will always be registered with the collusion of the Sub Registrar or the Registering authorities. Such a perception is nothing but a misconception. After all, the Sub-Registrars or Registrars are performing their statutory duty and except in certain provisions under the Act, they cannot refuse to register the documents. Such being the scenario, merely because the document has been registered on the basis of certain title documents placed by the parties, every such registration cannot lead to the inference that Sub Registrar and other officers also colluded with the parties while entering into such documents to rob them in a criminal case.

8. Accordingly, both the writ petitions are allowed with the above observation. The impugned order of the first respondent made in his proceedings in Na.Ka.No.21/2023 dated 16.03.2024, is quashed. The Sub Registrar, Gandhipuram, namely, the first respondent, is directed to register the



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documents presented by the petitioner. No costs. Consequently, the connected writ miscellaneous petitions are closed.'

4. The above reasons assigned will equally apply to the case of the petitioner also. Accordingly, the impugned proceedings of the first respondent dated 03.02.2025 is hereby quashed and there shall be a direction to the first respondent to entertain the document presented for registration by the petitioner and register the same, if it is otherwise in order.

5. In the result, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. No Costs.

24.04.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
SSR



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N.ANAND VENKATESH, J

SSR

To

The Sub Registrar
Gandhipuram
O/o. Sub Registrar
Gandhipuram
Coimbatore.

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