



Writ Petition No.11148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11148 of 2025

and

W.M.P.No.12581 of 2025

K.Gunasekaran
S/o. Late Kuppan @ Kuppusamy
Door No. 82/5A, Sanmugapuram,
Sengottapalayam,
Namakkal 637 209.

Petitioner

Vs

1. The Inspector General of Registration
Registration Department,
100, Santhome High Road,
Chennai- 600 028.

2.The District Registrar,
Office Of The District Registrar,
Salem (West),
Complex of the District Collector,
Salem- 636 001.

3.The Sub Registrar,
Tharamangalam Post, Omalur Taluk,
Salem District- 636 502.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 3rd Respondent dated 4.2.2025 and quash the same and consequently direct the 3rd



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Respondent to register the pending sale deed document (P) No.9 of 2025 dated 29.01.2025 and release in favour of the petitioner.

For Petitioner : Dr.R.Gouri
For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 04.02.2025 and for a consequential direction to the third respondent to register the sale deed dated 29.01.2025 and release the document in favour of the petitioner.

2. Heard Dr.R.Gouri, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondents.

3. The specific case of the petitioner is that the petitioner is the absolute owner of the subject property and he has inherited this property, which is claimed to be an ancestral property. The petitioner executed a sale deed dated 29.01.2025 and when the same was presented for registration before the third respondent, the third respondent had refused to register the sale deed on the ground that protest petition has been received from third party. That apart, the third respondent has also issued



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a communication to the Tahsildar to verify as to who is in possession of the property.

4. Written instructions have been received from the third respondent and on going through the same, it is seen that since the property is dealt with based on the patta issued in Patta No.632, a report was sought for from the Tahsildar on the genuineness of the patta.

5. In the considered view of this Court, the third respondent cannot deny registration of a document merely based on some objection given by a third party. If the petitioner is able to trace the title to the property and a third party is also claiming a right over the property, he has to work out his remedy before the competent civil Court and right and title over the property cannot be decided by third respondent. That apart, it is not open to the third respondent to verify as to who is in possession of the property. At the best, the third respondent can verify the genuineness of the patta and thereafter, register the sale deed if it is otherwise in order.

N.ANAND VENKATESH, J
gm

6. Accordingly, the impugned proceedings of the third



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respondent is hereby quashed and there shall be a direction to the third respondent to verify the genuineness of the patta and register the sale deed, if it is otherwise in order.

In the result, this Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The Inspector General of Registration
Registration Department, 100, Santhome High
Road, Chennai- 600 028.

2. The District Registrar,
Office Of The District Registrar,
Salem (West), Complex of the District
Collector, Salem- 636 001.

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