



Writ Petition No.14574 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.14574 of 2025

SARAVANAN
S/o Yellappan, No. 687, 9th A Cross,
West Chord Bengaluru North,
Karnataka - 560 086.

Petitioner

Vs

1. The Inspector General Of
Registration
Pattinampakkam, No. 100,
Santhome High Road,
Chennai - 600 028.

2.Sub Registrar, Arcot
Kalavai Road, Arcot - 632 503,
Walajah Taluk, Ranipet District.

3.D. Venkatesh
S/o. K.C. Dharman, No. 64, M.B.T.
Road, D.R. Theater Complex,
Simpicot, Rnaipet, Walajah Taluk,
Vellore District.

4.S. Palani
S/o. Late Sahadevan, No. 43, Ward
- 3, National Highway, Puttuthakku,
Walajah Taluk, Vellore District.

Respondent(s)



Writ Petition No.14574 of 2025

Prayer:
WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned order passed by the 2nd Respondent in RFL/Arcot/16/2025, dated 27.03.2025 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the 2nd Respondent to register the sale deed dated 27.03.2025 and release the registered sale deed to the Petitioner within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Maheshnath
For Respondents : Mr.U.Bharanidharan
Special Government Pleader
for R1 and R2
Mr.M.Vijayan
of M/s.King and Partridge
for R4

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the second respondent dated 27.03.2025 and for a consequential direction to the second respondent to register the sale deed dated 27.03.2025 and release the same.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for R1 and R2 and the learned counsel for R4.



Writ Petition No.14574 of 2025

3. The impugned refusal check slip has been issued by the second respondent based on the objections given by the respondents 3 and 4 to the effect that already there is a partition suit pending and there is a serious dispute with regard to the title over the property.

4. The learned counsel appearing on behalf of fourth respondent submitted that the partition suit is pending for the last 10 years without any progress and already an application has been filed seeking for an order of interim injunction and the same is also not taken up. In the meantime, the petitioner is attempting to alienate the property and create encumbrance over the property.

5. In the considered view of this Court, the dispute between the petitioner and the respondents 3 and 4 cannot be gone into by the second respondent. When this Court exercises its jurisdiction under Article 226 of the Constitution of India, this Court must only see as to whether the second respondent has the power and jurisdiction to deal with the title dispute. Beyond that, this Court cannot go into the inter se dispute between the private parties.

6. Insofar as the power and jurisdiction of the second respondent, Rule 55A(1) was available and a circular was also issued in this regard by the Inspector General of Registration. In a recent



Writ Petition No.14574 of 2025

judgment of Hon'ble Supreme Court in ***K.Gopi Vs. Sub-Registrar and others*** reported in **2025 (2) CTC 777**, Rule 55A(1) of the Registration Rules was held to be *ultra vires* Section 69 of the Registration Act. The Apex Court made it abundantly clear that the Sub-Registrar cannot go into the title dispute.

7. In view of the above, the impugned refusal check slip issued by the second respondent is unsustainable and the same is hereby quashed. This is a case where the petitioner has executed the sale deed in favour of his son. Admittedly, there is a suit pending before the Civil Court. Therefore, it goes without saying that the same will be subject to the final result in the suit and it will not in any way take away the rights of the parties which will be ultimately decided by the Civil Court. This observation will sufficiently take care of the interest of the private parties.

Accordingly, this Writ Petition is allowed with a direction to the second respondent to register the sale deed, if it is otherwise in order.

24.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

mk



Writ Petition No.14574 of 2025

WEB COPY

To

1. The Inspector General Of Registration
Pattinampakkam, No. 100, Santhome High Road,
Chennai - 600 028.

2. Sub Registrar, Arcot
Kalavai Road, Arcot - 632 503, Walajah Taluk, Ranipet District.



WEB COPY



Writ Petition No.14574 of 2025

N.ANAND VENKATESH.J.,

mk

Writ Petition No.14574 of 2025

24.04.2025