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WP.No.881 of 2025

In the High Court of Judicature at Madras

Dated : 21.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.881 of 2025

R.Palaniyappan

...Petitioner

Vs

1.The District Registrar,
Salem West, No.313,
I Floor, District Registration
Office Campus, Salem
Corporate Building,
Kottai Main Road, Salem-1.

2.The Sub-Registrar,
Magudanchavadi Sub-Registrar
Office, Sankari Taluk,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip of the second respondent in Refusal No.RFL/Magudanchavadi/370/2024 dated 20.11.2024, quash the same as illegal and arbitrary and consequently direct the second respondent - SRO, Magudanchavadi, Sankari Taluk, Salem District to register the partition deed dated 20.11.2024 presented for registration in pre-registration token receipt TP/201358778/2024 dated 20.11.2024 within a stipulated time as fixed



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by this Court.

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For Petitioner : Mr.N.Vijaya Baskar for
M/s.Law Vision
For Respondents : Ms.C.Meera Arumugam, AGP

ORDER

The petitioner seeks to quash the refusal check slip dated 20.11.2024, in and by which, the second respondent had refused to register the partition deed dated 20.11.2024 presented by the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The grounds, on which, the impugned refusal check slip has been issued, are as follows :

*"(i) The validity of the Will dated 06.9.1989 mentioned in the partition deed dated 20.11.2024 deed cannot be verified; and
(ii) It is an unregistered Will."*

4. In the considered view of this Court, by raising the above issues, the second respondent is conducting a roving inquiry into the title, which jurisdiction is not vested with him. The main factors that



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are required to be taken into consideration at the time of inquiry into the documents are

- (i) to take note of the execution of the document,*
- (ii) whether it has been executed by the person, whose name is mentioned in the document,*
- (iii) the identity of the person executing the document and presenting it and*
- (iv) in case the document is presented by a power agent, assign or representative, the authority of such person.*

Further, the Registering Authority appears to be clueless about the fact that a Will need not be registered.

5. The Registering Authority is empowered to refuse registration under any of the circumstances set out in Section 22A of the Indian Registration Act. In such circumstances, the reasons set out refusing registration do not come within any of the parameters mentioned therein.

6. Hence, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the document presented by the petitioner within two weeks



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from the date of its representation. No costs.

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P.T.ASHA,J

RS

To

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