
(2010) 08 MAD CK 0169
In the Madras High Court
Case No : Writ Petition No. 14224 of 2010

K. Palanisamy

APPELLANT

Vs

The Joint Sub Registrar - I (District Registrar)

RESPONDENT

Date of Decision : 09-08-2010

Acts Referred:

Citation : (2010) 08 MAD CK 0169

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : C. Prakasam, for the Appellant; Lita Srinivasan, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

D. Hariparanthaman, J.—The petitioner's father owned land to an extent of 7.68 acres in S. No. 158/1, Neriparichal Village, Tiruppur

Taluk and District. He died in the year 1973 leaving behind him, his wife, viz., the mother of the petitioner, and two sons and three daughters as his

legal heirs. The petitioner is one of the sons. After the demise of his father, his mother and three sisters, executed a release deed in favour of the

petitioner and his brother on 05.11.1975 and the same was registered in the office of the respondent. Thereafter, the petitioner's brother entered

into a sale agreement on 09.01.1993 with the petitioner to sell his share. But, the petitioner's brother failed to execute the sale deed.

2. Hence, the petitioner filed a suit in O.S. No. 292 of 1993 on the file of Sub Court, Tiruppur. The Sub Court decreed the suit. Thereafter, the

petitioner filed Execution Petition in E.P. No. 152 of 1993. In those circumstances, the Sub Court, Tiruppur executed the sale deed in favour of

the petitioner on 10.12.1993 in respect of his brother's share.

3. While so, the petitioner's mother filed a suit in O.S. No. 82 of 1994 for partition on the file of Sub Court, Tiruppur, against the petitioner and his

brother. The said suit was dismissed for default on 23.04.1996.

4. In these circumstances, the petitioner's mother executed a release deed in document Nos. 7706 of 2009 to 7708 of 2009 in favour of the

petitioner's sisters and the documents have been registered in the office of the respondent.

5. The petitioner made a representation dated 14.05.2010 to the respondent seeking to cancel the document Nos. 7706 of 2009 to 7708 of 2009

that were registered by his mother in favour of his sisters, settling the properties in their favour.

6. Since no order was passed by the respondent on the petitioner's representation dated 14.05.2010, the petitioner has come up with the present

writ petition seeking for a direction to the respondent to dispose of his representation dated 14.05.2010.

7. Notice of motion was ordered on 06.07.2010.

8. Heard Mr. C. Prakasam, learned Counsel for the petitioner and Mrs.Lita Srinivasan, learned Government Advocate for the respondent.

9. Under the Indian Registration Act 1908, the Registrar need not enquire into the title of the property, while registering a document. Furthermore,

once a Registrar completes the process of Registration, he becomes functus officio. That is, after registering a document, the Registrar cannot

cancel or modify the document on his own, as it is without his jurisdiction.

10. Hence, the prayer sought for by the petitioner could not be granted. Accordingly, the writ petition is dismissed. No costs.