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## **OBJECTION PETITIONS UNDER THE REGISTRATION ACT, 1908: A STUDY WITH REFERENCE TO SECTIONS 32 AND 34**

### **ABSTRACT:**

This paper explores the legal framework surrounding the filing and handling of objection petitions under the Registration Act, 1908, focusing primarily on Sections 32 and 34. It also analyses relevant judicial precedents and practical implications of these provisions in property registration processes.

### **1. INTRODUCTION**

Registration of immovable property in India is governed by the Registration Act, 1908. The Act ensures public notice of transactions and protects ownership claims through a statutory process. However, in cases where property title is disputed or legal proceedings are pending, an interested party may file an "Objection Petition" to prevent registration. Sections 32 and 34 of the Act provide the procedural basis for presenting and enquiring into documents and related objections.

### **2. SECTION 32 OF THE REGISTRATION ACT, 1908 – PERSONS TO PRESENT DOCUMENTS FOR REGISTRATION**

Text: Section 32 specifies who may present a document for registration:

- The person executing the document

- The person claiming under the document
- The agent or representative of the above with proper authorization (e.g., power of attorney)

Purpose: The purpose is to ensure that only parties directly involved or their authorized agents can present the document, preventing fraud and unauthorized registration.

Illustration: Mr. A executes a sale deed in favour of Mr. B. Either A or B, or a person holding a registered power of attorney on their behalf, can present the deed for registration.

Judicial Interpretation:

- *Ram Saran Lall v. Mst. Domini Kuer*, AIR 1961 SC 1747
  - Held that registration is valid only if presented by authorized persons mentioned under Section 32.

### 3. SECTION 34 – ENQUIRY BEFORE REGISTRATION BY REGISTERING OFFICER

Text: Section 34 mandates that:

- Parties must appear before the registering officer
- Their identity and voluntary execution must be verified
- The officer may enquire about objections raised against registration

Section 34(3): If any person appears and objects to the registration of the document, the Registrar may refuse registration pending proper enquiry or legal clarification.

Purpose: This section is a safeguard to ensure genuine registration and protect third-party rights. It empowers the Sub-Registrar to examine the validity of any document before proceeding.

Illustration: Ms. C claims that she is a legal heir to a property being sold by Mr. D without her consent. She files an objection petition. The Sub-Registrar, under Section 34, may withhold registration pending court adjudication.

Case Laws:

- *K.J. Nathan v. S.V. Maruthi Rao*, AIR 1965 SC 430
  - Registrar can refuse registration when dispute is raised on execution or title.
- *Raj Kumar v. Sub Registrar*, AIR 2013 P&H 136
  - Court ruled that when an objection is raised, it must be examined before registration is allowed.
- *Subramanian v. Joint Sub Registrar*, 2017 (5) CTC 741 (Madras HC)
  - A valid objection requires proper inquiry; Sub-Registrar cannot act mechanically.

#### 4. OBJECTION PETITION – MEANING, FORMAT, AND PROCEDURE

Definition: An Objection Petition is a written representation submitted to the Sub-Registrar to halt or withhold the registration of a document due to a claim of right, interest, or pending legal dispute.

Grounds for Objection:

- Co-ownership not recognized
- Title dispute pending in court (lis pendens)
- Execution under coercion or fraud
- Violation of interim court order
- Forgery or impersonation

Filing Procedure:

- Addressed to the Sub-Registrar

- Must include property details, nature of objection, and identity proof
- Accompanied by supporting documents (e.g., court case copies, legal notices)
- May be submitted in person or by registered post

Registrar's Duty:

- Record the objection
- Conduct a summary enquiry
- Refer complex matters to civil courts
- Pass a speaking order under Section 71 if refusing registration

## 5. LIMITATIONS OF OBJECTION PETITIONS

- Registrar cannot adjudicate title disputes
- Objections must be supported with documents
- Interim relief (e.g., stay order) from civil court strengthens the objection

Remedies: If registration is done in violation of a valid objection:

- File a declaratory suit
- Seek injunction from civil court
- Approach higher registration authorities under Section 72/77

## 6. CONCLUSION

Sections 32 and 34 provide procedural and legal protection in the property registration process. When properly used, objection petitions serve as a check against fraudulent or disputed registrations. However, their misuse or unsupported filings may delay legitimate transactions. Judicial precedent emphasizes the Registrar's duty to conduct fair enquiry and uphold the principles of natural justice.

## REFERENCES:

1. Registration Act, 1908
2. *Ram Saran Lall v. Mst. Domini Kuer*, AIR 1961 SC 1747
3. *K.J. Nathan v. S.V. Maruthi Rao*, AIR 1965 SC 430
4. *Raj Kumar v. Sub Registrar*, AIR 2013 P&H 136
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6. Government of India, Ministry of Law and Justice – Commentaries on Registration Act
7. Property Law manuals by leading Indian authors

For Assistance in submission of the Objection Petition, Kindly contact us