

# Conflict Detection in the Ownership Documents and Procedure to Deal with It

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## Abstract

This research is procedure of dealing with adverse ownership documents that research method is analytical and library and descriptive and has been collected by relying on the texts of laws and procedures and circulars, articles, researches, and books that have been published on this subject and as well as experimental observations of the author. Reference to adjust and register contracts and ownership documents are notary public offices in accordance with Article one of a law of notary public offices approved 25 July 1977. Registration offices as higher than the reference of notary public offices have had a major and fundamental role in issuing ownership documents in accordance with provisions of the law the Real Estate Registration approved in 1931, as in accordance with Article 22 of law of Real Estate Registration as soon as the land property was registered in a notary public office, the government will know only a person as an owner who the land property has been registered in his/her name or a person who mentioned land property has been transferred to him/her and this transfer has been registered in a notary public office or the mentioned land property is reached from formal owner for him/her by inheritance. With increasing population growth, the differences have been achieved and courts of Iran have been encountered for years with the problem of litigation arising from the way of transfer of immovable land property. Islamic law has allowed this transition only with the agreement of two people, but the text of the law of registration has created this suspicion that the transfer must be done by an official document. It has been tried in this research that we examine the conditions of meeting the conflict of land property and conflict detection in ownership documents and we explain the role of court in addressing the adverse estates and administrative penalties for offenders with the duties of the Supreme Council for Registration.

**Keywords:** document, official and normal document, notary public office, documents of adverse ownership, supreme council of registration

## 1. Concepts Related to Ownership Document, The Time of Issuance and Quality of Registration the Land Property

In this section, we describe above mentioned cases during the two topics.

### 1.1 The Concept of Ownership Document and Time of Issuance of It

Ownership document is among official documents and securities that it has been delivered to the owner by observing the legal formality and after ending preliminary registration operation of immovable land property and eventually its registration in the Special Office (real estate office) and the government knows (meaning ranging the word) the holder of the land property as owner.

Although, he /she does not have any material possession in that land property. Features of each page of the ownership document are like one of the pillars of real estate office (Asgharzadeh Bonab, 2012, p. 102).

Essential and basic condition for the issuance the ownership document is this that the agent of registration knows the lack of existence any certain or possible problem in the way of issuance it, and certainly knows that there is no problem in this way. Because the ownership document is within the sentence of the court and it has the same worth of it and such important document cannot be issued and delivered to the persons just for probability of the lack of existence the problem. So issue the ownership document, is including detailed and complex issues that registration agents must be fully aware of all aspects of it. For example, it should be noticed that do documents of the registration applicant, have authenticity and accuracy or not? Are there other claim and occupant of the

land that is under the registration demand or not? Whether the share of other heirs or condominium owners has been requested for registration or not? And generally there is no contraindication or possible violation of someone's rights and all these issues were canceled. Ownership document is called "the knotted and sealed document" in past folk custom that currently single-page documents or (cadastral documents) are used instead of notebook documents. Changes have been made in this document due to changes made in laws and implementing the plan of Meysam (integrated management of registration the land property). They are including attaching the cadastral map, providing a national code of owner and land property tracking code. That it has added in issued ownership documents. This action is a kind of return to the former status and issues a single leaf ownership document with changes and creates new features which have been implemented in some parts of the country and such documents are handed over to the legal owners. It should be noted about the time of issuance of ownership document that, as Article 21 of the registration law is used, its ownership document must be also issued coincided with the registration of land property in the real estate office. So the time of issuing the ownership document is at the same time of registering the land property in real estate office and after the end of the preliminary operations of registration.

### *1.2 The Quality of Registration of Land Property in the Real Estate Office*

How to registration of land property has not been completely mentioned in the real estate office in registration law, but this matter has been explained in the procedure. Article 103 of procedure of registration law says that the owner of the land registry office enters the features of owner and land property in a way that it will come in the following in the real estate's notebook and it is signed by registration president or an employee that he/she is allowed to sign the ownership documents from the side of Justice Ministry after the completion of preliminary registration operation. Signature the real estate's notebook must be done by hand by stipulating the Article 108 of procedure and signed stamp is prohibited. Characteristics that must be recorded in estate office are as follows:

- 1) Number of Land property
- 2) Date of registration of land property in the real estate office
- 3) The name and Family name and ID number and place of issue and place of residence and nationality of the owner.
- 4) Type and characteristics of the owner and location of incidence and components and its accessories.
- 5) The limits of the land property
- 6) The price of the land property
- 7) Tangible Laws that the people have landed property in them are available with the names of the owners of rights as well as easement rights for land property registered in other land properties or for other land properties in the registered land property.

The mean and purpose of legal Tangible Laws are laws that people have than the same land property such as mortgage and condition of sale, and interests of land property and life and habitability and cervical. Interests of land property are registered in the real estate office in a case that it is granted for more than three years (Article 26 of the registration law). It should be mentioned that registration of mentioned granted interests and also deals with the right of refund only is sufficient in one version of real estate office that it is in the registration of the location and its registration is not necessary in the second edition which will be sent to the center.

## **2. Validity of Normal Documents and Its Limits Compare It with the Official Document**

"Validity" used in Article 1288 of the Civil Code had not been allocated to official documents, but also contains documentations that their provisions should not be against the rules. However, validity that has used in Article 70 of the registration law, it is only for official document and it is in the concept of its authenticity and normal document does not have such points (assuming the authenticity and accuracy the official document) Therefore aggression to authenticity of normal document, although it can be raised as a counterfeiting claim, but the case may also be raised in the form of denial or doubt (Shams, 2001, p. 158). While that aggression to the authenticity of the official document is raised only in the form of counterfeiting claim. According to a professor of law (Imami, 2008, p. 166): "The validity had been the limits of validity in a concept that it has brought in Article 1290 of the Civil Code and it is the word of validity in a concept that it has brought in article 70 of the registration law. It has been expressed various opinions about whether the basic principle is on the normal document validity or on its invalidate that we investigate it in two jurisprudence and legal aspects.

### *2.1 The History of Jurisprudence*

It is known that some say that jurists mainly have been attributed to the "principle of non-validity of the normal

document". In this regard, the deceased Sahebe Javager has cited to three reasons and says:

First of all - the possibility of similarity between the lines is so high that a line cannot be attributed to anyone but us.

Second - author may not have the serious intent in writing.

Third - there is no particular reason in law on the validity of documents (Porbadkshshah and Darvishzadeh, 2010, p. 63).

Doctor Jafari Langroodi has known this opinion and attitude, including knowingly errors and writes: "More than seventy collateral terms have emerged for the document in the history of Islamic laws. A legal course has been created even for writing the documents, with the name of "Science of conditions). They have accepted to copy .So how this known error can be accepted and how it can be said?

He has rejected the reasons of the second paragraph, the opinion of Javaher on the principle of non-validity of the document, knows it result of the opinions of lawyers and weakness of the administrative organization of documents in past time and era (Jafari Langroodi, 2002, p. 18).

### *2.2 Opinion and Comments of Lawyers*

The vast majority of lawyers believe into the primary principle of "validity of normal document" unless it's contrary is proved.

Accordingly, the fact that normal document is expressed against one of the litigants and it is not denied (denial or doubt) by other side, its provisions can be executed and it is essential that that violation to be addressed in accordance with the provisions of the Civil Procedure Code (Articles 216 onwards) in the case of violation to the expressed normal document.

Mentioned primary principle (validity of normal document) has been vanished in this case, and the burden of proving the authenticity and accuracy of expressed documents in accordance with the proved rules mainly is for the expresser about denial and doubt.

Attributes to this opinion know the promise to the principle of non-credit of normal document, even in the case of no aggression of it -in confrontation and conflict with Article 1291 of the Civil Code and as well as Judicial precedent (Porbadkshshah and Darvishzadeh, 2010, p. 64).

### **3. Conditions for the Realization of Conflict of Land Properties**

In order to realize "Land properties conflict" Multiple conditions are necessary:

The first condition is the existence of two land properties; they have said true that dichotomy is necessary to conflict and until there is no dichotomy, conflict is not imaged (Jafari Langroodi, 2003, p. 142).

Some professors have added the existence of two owners for two land properties as other element to these conditions to realize the conflict of ownership documents (Ibid, p. 143).

This condition has undeniable necessity, because it is true that owners of land properties and lands are not in conflict with each other and thing that has conflict in reality is their land property, but the likelihood of conflict between two assumed land properties belonging to one owner basically is rejected and it cannot be assumed for the following reasons:

First, style and the way of writing the Article 3 of the legal bill concerning the registration mistakes and ownership documents approved in 1954 - especially the second paragraph, envisages well the need for two owners and makes colorless any other deduction like Ijtihad against the text. Secondly, the provisions of Articles 3, 4, 5 and 6 of the mentioned legal bill, clearly indicates the need for a submitted petition of owner the latest issued ownership document to the competent judicial authority.

A petition to legislator certainly is set and submitted the interest of the owner of front issued ownership document and the lawsuit will be presented to his/her interest.

Indeed, whether it can be imagined an assumption that a person adjusts and presents a petition to the court in his/her interest and alleges a claim in his/her interest?

Response thirdly, assuming the issuance of two ownership documents in the name of a person certainly, is dissuaded from an assumption of issuance the adverse ownership documents and it should be considered as registration errors.

Basically, it should be noted that in assumption of issuance of two ownership documents in the name of one person, conflict of ownership documents does not find relevance from basis and foundation. Undoubtedly it is

negative.

Thus, the mere existence of an owner cannot be considered of conditions of realizing the conflict in ownership documents.

On this account and credit, the conclusion of some of masters of registration laws has said about this that if it was issued two -volume ownership document for one land property in one name again, the conflict is achieved, it seems highly the deliberation and it will be accepted difficulty (Salehi, 1996, p. 131).

The second condition: it is the existence of the interference state in possession to realize "conflict of land properties" and also the existence of a contradiction for the realization of "conflict in ownership documents".

In other words, conflict of two land properties should be concluded of the way of the possession of owners, and also conflict state of two ownership document must be obtained from real estate registration office and contents of ownership document.

So, as interference in possession of the occupants, is preventing the certainty of their possessions in their desired land properties and for this reason local registry office cannot make a decision about issue and it is obliged to report the matters to the Whole Office of the respective province, conflict in two documents is in a way that contents of one of the mentioned ownership documents of land property gives the result that has conflict with the results of contents of other ownership document.

However, maybe the conflict is in the respect of the whole of two land properties or part of those two land properties or conflict is with respect to their limits or even conflict is in the respect of their easement rights.

The third condition: it is the existence of primacy and recency in the possession of the owners in the category of "land properties conflict" and as well as primacy and recency in issue one of the documents of ownership in the category of "conflict of ownership documents".

Of course, the priority in the possession can be useful for occupied person and helps him/her in response to the pretender. Article 35 of the Civil Code also supports these priorities and strengthens possessions of priority and says, "Possession as ownership is reason of ownership. Unless, it's opposite is proved.

However, what that has a decisive role in Land Registry Law in general and in particular in the field of conflict of real estate is the latter part of Article 35 of the aforementioned law, So, if the claimant presents accepted and strong documents and evidences that indicates the illegitimacy of the Possession incompatible with his /her right and proves the contrary to Possessions of occupied person as ownership, Possessions of occupied person will be useless and invalid.

Primacy and recency in issuing ownership documents that are considered in conflict with each other is also necessary. It should be noted that the mere primacy and recency, is no indication on the validity and or invalidity of any ownership documents of primacy and recency.

Soon we will see the thing that is placed as the basis of sentence of the court based on the validity and or invalidity any conflict ownership documents is not primacy or recency issuing the ownership documents, but also the integrity and stability of its registration operation are ownership document has been issued in accordance with legal regulations.

The fourth condition: it is the need to clash of two rights. In other words, two rights that, one is real and the other is probable must be existed and pretenders of rights insist on their considered right and each one knows him/herself rightful and insists on his/her claimed right.

The fact is that if any of the owners of adverse ownership documents accepts that the other side is right and the ownership document of the other party has been issued correctly and on the basis of regulations, basically a conflict between ownership documents does not find relevant and claim as "annulment lawsuit against the adverse ownership document" does not make sense and it is not raised.

But in these cases, the issue is raised at a meeting of the supervisory board and the board decides and investigates in substantive form based on what has happened.

Based on what was said and in accordance with the mentioned definitions and public registration law and experiences of decades of land registry law enforcement in different areas of country and also with regard to the technical and legal complexities in the operation of accepting the registration demand, it seems that considered conflict in the stage of accepting land properties registration demand, the topic of paragraph 1 of reform article 25 of registration law can be defined in legal aspect as follows:

"collision and conflict between two or more contradictory reasons on the possessions, so that each reason makes

irrelevant the reason or other reasons in a sense, and local Registration Office, gives a definitive diagnosis about conflict in possessions of applicant and possessions of a person or other persons and consequently, accepting the demand of the registration of the applicant, may not be feasible and possible and therefore the local registration office is required to prepare and submit the necessary report in order to take decisions on behalf of the Supervisory Board.

But the important point is this that it should not be thought that "conflict in possession is" the same "conflict in the documents of ownership" and imagine these two a one same thing because:

First, the "conflict in possession" is conflict that it is topic of paragraph 1 of reform article 25 of registration law and also it is a conflict that is the topic of paragraphs 1 and 2 of Article 3 of executive proceeding of addressing the adverse ownership documents and Supervisory Board and the Registration Supreme Council approved in 1973.

While the concept of "conflict in ownership documents" or in other words, the discussion of adverse ownership documents is apart from the issue of possession and conflict in possession and paragraphs 5 of reform article 25 of registration law and also articles 3 to 7 of legal bill about registration mistakes and adverse ownership documents approved in 1952 that is allocated to the topic of "conflict in ownership documents", has mentioned the issue of "occupation" or "occupied person of considered land property in no way and has not noticed to it properly and with merit.

Secondly, the "conflict in possession" is assumed at a time that has not yet accepted the demand for land property registration and registration statement has not been set with respect to it, and has not been accepted by the local registration and the land property is still unknown in terms of owner according the provisions of the registration law and its regulation.

But the issue of "conflict of adverse ownership documents," find relevant that not only land property registration formalities have completed, but also with the completion of the registration current, land property has been registered in land properties office and sure and necessary of its ownership document was issued.

It should be noted that the mere possibility of "Conflict of land properties" or the mere possibility of issuing adverse ownership documents, would be sufficient to prepare and send a report of the Local Registration Office as Whole Registration Office of the province. Announcing the reports to Notary public offices is also necessary, about the possibility of issuing "adverse ownership documents "

In fact, the issue of "adverse ownership documents", has such importance and has such effects and consequences to follow that cannot be postponed the work to ensure the certainty and the rights of persons cannot be left for audits of Local Registry Office in the near or far future.

Paragraph 2 of Article 3 of the legal bill about registration mistakes and adverse ownership documents, says about this " registered offices are required to tell the existence of the adverse ownership document and also front registration of ownership document immediately by informing of the issuing of adverse documents to the Notary public offices of subsidiary areas and the report shall be submitted in writing in order to make the decision to the supervisory board.

#### **4. Conflict Detection in Ownership Documents**

Pursuant to paragraph 1 of Article 3 of the legal bill about the registration mistakes and adverse ownership documents: "Whenever in the Supervisory Board, it is detected that adverse ownership documents have been issued with respect to the land property, wholly or partly, whether in relation to the origin of land property, or to easement limits or rights of it, then last registered ownership document is called, "adverse ownership document'.

Also pursuant to paragraph 5 of reformed Article 25 date of 1972/1/18 of law of Real Estate Registration " dealing with conflict in ownership documents, wholly or partly, or to the property, whether than its easement limits and rights is with the supervisory board" and, according to Additional Note 4 to Article 25 of this law, votes of the Supervisory Board will be revisable in the Supreme Council concerned with the beneficiary complaint.

In this respect "votes of the Supervisory Board are pinned on bulletin board of local registration in order to inform the beneficiary for a period of twenty days and then are enforced on time.

Receipt a complaint from the beneficiary if it is before the implementation the vote, will stop the implementation of vote and determine and address the task will be with the Registration Supreme Council. The administrative operations will be followed whenever the Supreme Council approves the vote of the Registration Supervisory Board in renewal proceeding"(Asgharzadeh Bonab, 2012, p. 264).

It should be noted that revocation of the transfer document is not one of the tasks of the Supervisory Board and since judicial officials are the official reference of investigation into the complaints and claims and lawsuits, so cancellation of the transfer document is in the jurisdiction of public court of the place of incidence the land property.

That it will take place by instituting the claim in court after informing of the conflicts in ownership documents from the Supervisory Board.

The criteria for the diagnosis of adverse document are the date of its issue. If both two documents were issued in same date and number of each one is dated, the document is deemed to be in conflict.

## **5. Addressing of Court to Adverse Documents and Administrative Penalties against the Offenders**

### *5.1 Addressing of Court to Adverse Documents*

If the owner of an adverse ownership document refers to the court and submits the petition within two months of the notification of registration office and the court identifies each one of the conflict documents after addressing, its registration has been done according to the regulations and it will cancel other ne whether the document is fist Issuance or late Issuance.

### *5.2 Administrative Penalty of Offenders*

Legal bill had been provided severe penalties about registration mistakes and adverse ownership documents for offending employees in order to force registration officials to look closely at the land registry and Issuance the ownership documents and prevents issuing adverse ownership documents and its 7th article says: Employees of Registry office that their action is against provisions causes issuance the adverse ownership document or multiple transactions, they will be prosecuted in the administrative court and they will be sentenced to the temporary suspension that shall not be less than two years or forever suspension to fit the topic and their violation will not include the passing the time of administrative violations.

## **6. Adverse Transaction in Votes of Supreme Court of Country**

According to Article 114 of registration law: "Whoever because of official document or normal document than the same land property or causes or normal compared to the same official document or financial interest (whether movable or immovable) gives a right to a person or persons and then does the transaction or conflict commitment with the mentioned right compared to the same thing or interest under the official document will be committed imprisonment with hard labors from three years to ten years' .

One of the types of fraud that has been common in society, is traded in conflict over the sold property, "especially immovable property'. What is given is like his as follows : The person who is the owner of immovable property, or transfers the normal document of property to another person but then he/she agrees on the properties with another person and also transfers the property to him/her.

Here, two deals have been done to a property and this action is called adverse dealing. Obviously, trade in conflict regarding the transfer of property is carried out by two official documents.

The first dealing should be fully valid in order to chase a person as the doer of adverse dealing in terms of the mentioned article (117 of registration law).

Is the transfer of immovable property possible or not by normal document? Many conflicts have been created among legal experts.

Many believe that mere offer and acceptance is sufficient for the transfer of immovable property and even it is also possible by a contract that takes place without the express offer and demand and other category do not accept the transfer of immovable property by normal document and know its transfer ritual and followed registration law and they believe that transfer is not possible unless by set the official document.

It cannot be conclusive commented that which of these two categories has the right. Each of them has provided evidence to substantiate its claims that the reasons will be told soon.

But on the being the adverse the dealing done with a normal document with the dealing done by the official document, the article is in such a way that can indicate the value of the normal documents about immovable property transfer.

Whether this article transferred by a normal document has been considered conflict able with official document of transmission. An executor sale agreement (pledge) and a contract that takes place without the express offer and demand (both normal) can be inconsistent with an official document of the transfer according to the provision of article 117 of the registration law.

Basically, the aim of the legislator of set the official document according to articles 46 and 47 of registration law had been that transactions relating to immovable property must be registered.

Even if this property has not been registered in the office, but in the area of establishment the property registration, such transactions of these land properties have been mandatory registered. Trade dealers make themselves rightful officially and by registering it.

The legislator has specified in Article 22 of registration law that who will be known as owner in terms of the government.

Therefore, it was necessary that the legislator appointed some guarantees in order to augment the official documents In particular immovable property transactions, so that when people already have done a dealing or commitment, they do not do other official dealing than the same property. In particular, it is possible that this document is overruled by addressing and the sentence of court despite being official later.

### **7. Duties of the Supreme Council of Registration**

We read in Note 4 of reformed article 25 of the Additional Registration Act of 1970 : "The votes of the Supervisory Board only will be registered about paragraphs one and five, and seven of this Article, for a complaint of the beneficiary and it will be revisable in the Supreme Council of Registration but General Director of registration refers the topic for addressing and giving the opinion to the Supreme Council of registration in order to establish a precedent in cases that the votes supervisory committees are issued inconsistent or contrary to the law and if a vote of the Supervisory Board has not been put into effect on true time, it will be enforced according to the Supreme Council of registration.

About creating a Uniformity of procedure, the opinion of Supreme Council of the Registration will be applicable for supervision delegations (Bahrami, 2014, p. 270).

According to the mentioned note, two duties are conceivable for the Supreme Council of Registration.

First address the grievances received in relation to renewable opinions issued by the monitoring delegations established in general offices of registration in the provinces that in the following note of Article 20 of the registration law and in paragraphs one and five and seven of reformed Article 25 of mentioned law and as well as in note of Article 20 of the regulation limits and duties and organizations of preparing the land properties map on cadastral form have been considered and it was explained in the preceding discussion.

Second, address and announcement the opinion of the conflicting votes and or against the law that are issued by the monitoring boards of whole offices-based registration of provinces and though they are not renewable, but it is referred to the Council by the head of organization of registration of country in order to address and establish a unity precedent.

In this regard, Article 16 of the executive regulations deals with adverse ownership documents approves in 1972 declares that "votes of Council about the unity of precedent will be notified to all supervisory committees and will be inserted in the official newspaper and members of Justice in Datebook of Justice and the sum of them will be published and distributed at the end of each year by the general registrar.

It is noteworthy that publishing the votes of the Supreme Council of Registration in years before Islamic Revolution in 1977 were done by experts and leaders of the registration organization, but after the revolution has been completely forgotten (Mohammadi, 2007, p. 39).

But in addition to what has been stated above, other assignments have been registered for the Supreme Council of Registration.

Note of Article 8 executive regulation of Article 140 of the Law of the third economic, social and cultural development of the Islamic Republic of Iran approved in 2000 also has introduced Supreme Council of Registration as competent authority regarding the revision than the decisions of boards of subject of paragraph 2 of Article 140 of the mentioned act.

In addition, it can make the example the articles 13 and 14 of executive regulation of addressing the adverse ownership documents in the addressing of Council to former votes of opinions Committee and the votes of Executive Supervisory Committees.

It should also be offered to issue a reformed vote about that case of votes of the former Supreme Council and votes of current subsidiaries Council that the contents of them have been removed due to the negligence, or wrong has been occurred in their predictions, and also still they have not been implemented.

In such case, the secretary of the Council is obliged to record the provisions of the reformed vote with

mentioning number and date in the notebook of the votes and against the original vote.

In accordance with Article 25 of repeated law of registration, the Supreme Council of registration has two branches, including branches relevant to the land properties and branches relevant to the documents.

Each of the branches has three members that two members of it are the judges of Supreme Court chosen by the Head of the Judiciary Branch and Deputy of property Registration Organization, Other member in the Branch of land properties of the council and deputy of the matters of an organization's documents are considered third member in the branch of the documents of the council.

Despite this, apparently, and in a way that some writers have noted, currently general manager of land properties affairs and general manager of documents affairs of registration organization are chosen by the head of the organization and on a case-they participate in the meetings or branch of land properties or branch of documents of the Supreme Council of registration (Ibid, p. 38).

A substitute has not been introduced for the Supreme Council of Registration In-law, and this issue is not only one of the cases of silence of the law, but also its one of its defects which in some cases will cause delays in holding he meetings of Council and dealing with affairs.

According to the Article 11 of the executive regulation deal with adverse ownership documents, the Supreme Council of Registration at least once a week will have a meeting at the Organization for Registration of country and it seems like this that the purpose of holding the mentioned meetings at least once a week, is holding the meetings of each branch of the Supreme Council of Registration.

Implementation of the vote of the Supervisory Board is stopped by issuance the order of raising the topic at the Supreme Council of Registration according to Article 15 of mentioned regulation and Whenever Council approves the previous vote after addressing the enforcement operation will be chased otherwise it should be acted according to the theory of Council.

But despite the fact that the Supreme Council of registration, is considered as one the highest administrative authorities of the country and addresses to votes and decisions of the administrative authorities, it should not be assumed that the issued votes of I are non-complaint.

During the decades of Council's activity, and with a deep knowledge of the members of the Supreme Council of Registration, sometimes the votes have been issued that really have needed to be revised.

The reason for this is quite clear and it should be searched at the possibility of mistake in the understandings of authorities. Because at a time when the definitive votes of judicial references can be revised, the complaint of the definitive votes of administrative authorities - although the highest authority - must necessarily be possible.

Judicial precedent No. 14 dated 09.02.1995 of The General Assembly of Administrative Justice Court in this regard is needless of any interpretation and explanation. Since provides that "with regard to fact that according to Note 12 of paragraph 3 of Article 11 of the law of the administrative justice court, only decisions and votes of courts and other Judiciary Jurisdictions and, military and Police courts of Judiciary Judges and the military cannot be complained in administrative justice court.

And with regard to this that issued votes of the Supreme Council of registration are not including votes of courts and other Justice judicial authorities and participation of the judge at the same council, does not cause to go out the mentioned council among administrative courts of topic of paragraph 2 of the article 11 of law of administrative justice court, so written judgment with number of 104 dated in 15/6/193 issued from 14th branch of administrative justice court that includes his sense will be identified according to the legal laws (Gorbani, 2008, pages, 277-278).

The result that is obtained of the mentioned vote is that with objectionable votes of the Supreme Council of Registration in Administrative Justice Court, then similarly, the definitive votes issued by supervisory committees should also be considered as a complaint in mentioned court.

## **8. Conclusion**

According to what was said on the subject of addressing regulation to the ownership documents in a conflict that is subject of this research, it can be concluded that:

Transactions related to immovable properties that are set and registered by the heads of Notary public offices in the Notary public offices. They find the state of being official after registration and unlike those other regulatory documents between the parties and the transaction is not official and it is considered as a normal document.

Some individuals in society that they refused of this work and they set and do their transfer under normal



document with regards the importance of transfers at the offices of official documents.

On the other hand, given that many people are in direction to obtain a huge profit, sometimes they commit offenses regarding the registration and regulation the documents, According to article 117 of registration law that expressly has stated if a person transfers a land property to another person by normal or official document and again transfers it to other person by official document, mentioned dealing is considered as adverse dealing.

It should be noted in this regard that the conflict in the transaction or commitment should be about the same property, but now it is not different that it is about the same property or interest or its rights because it is possible that financial interest transfers equal normal documents to another person and on the other hand other transaction in relation to same property is done by owner or other person equal definitive document or official document. Criminal executive guaranty foreseen in article 117 of registration law is for this reason that people refrain from signing the dealing in conflict and they notice if they violate of the basic ordinary contract and they close the way for implementation of the first contract by second contract and official document then they committed a crime and should be punished and suffered their punishment. Therefore, the first transaction should be fully valid until we can chase the person as doer dealing with conflict pursuant to the provision of article 117 personal of registration law that the first transaction that may be taken equal normal document or official document which has created considerable controversies among experts. In the end, it can be said exhaustively that unity in a kind of document is a condition for realizing the conflict no unity on the issue of the document and another is that when there is conflict about the two documents, that both of them are valid at the time of conflict.

So if one of those documents for reasons of legal reasons or pursuant to a court sentence is invalid In this case there is no other document to contradict or conflict with other documents.

Also the subject of two documents should also be about a same property until documents have no conflict with each other.

In points that registration of land property has been made compulsory other normal documents relating to transactions are not accepted in any of the administrative authorities and offices and conflict is the result of conflict of official documents with official and the conflict of the official document is not raised with normal document although the topic is different because the principle is on the register the document.

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