



W.P.(MD) No.18370 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18370 of 2026

Madathiyammal

... Petitioner

/vs./

1.The Inspector General of Registration
Santhom High Road
Chennai 600 028

2.The District Registrar
No. 99, Samy Santhai Street
Tenkasi 627 811

3.The Sub Registrar
Sub Registrar Office Sankarankovil
Sankarankovil
Tenkasi District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent pertaining to Refusal Check Slip No. RFL/Sankarankovil/63/2026 dated 17.06.2026 quash the same, and consequently direct the 3rd respondent to



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register the Settlement Deed dated 17.06.2026 executed by the petitioner in respect of the Petitioner's undivided share in the properties comprised in Survey Nos. 752, 739/2, 740 and 741 situated at South Sankanrankovil, Village, Tenkasi District.

For Petitioner : Mr.M.Santhanamari

For Respondents : Mr.R.Parthiban
counsel for the State of Tamil Nadu

ORDER

Mr.R.Parthiban, learned counsel for the State of Tamil Nadu, takes notice for the respondents.

2.By consent, this writ petition is disposed of at the time of admission, after hearing the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner is before this Court against the impugned refusal check slip issued by the third respondent bearing Ref.No.RFL/Sankarankovil/63/2026 dated 17.06.2026.



4.By the impugned refusal slip, a settlement deed, dated 17.06.2026, executed by the petitioner in favour of her grandchildren, has been rejected with the following observations:-

“ஆவணத்தில் லேட்.கருப்பையா மூப்பனார் அவர்களின் குமரத்தியும் திரு.கிருஷ்ணசாமி அவர்களின் மனைவியுமான திரு.பெ.மாடத்தியம்மாள் அவரது மகள் வழி பேரனான திரு.நல்லமுத்துசாமி அவர்களுக்கு திருமதி.மாடத்தியம்மாள் அவர்களின் தகப்பனார் ஆன கருப்பையா மூப்பனார் அவர்கள் பெயருக்கு ஆவண எண்கள் 1351/1955, 798/1957, 1393/1957 கிரைய ஆவணங்கள் மூலம் கிடைக்க பெற்று வாரிசு அடிப்படையில் திருமதி.மாடத்தியம்மாள் அவர்களின் பங்கான தெற்குசங்கரன்கோவில் கிராமம் சர்வே எண் 752 ஏக்கர் 4 செண்ட் 73 சர்வே எண் 739/2 ஏக்கர் 7 செண்ட் 16.5ம் சர்வே 740 ஏக்கர் 1 செண்ட் 11ம் சர்வே எண் 741 ஏக்கர் 7 செண்ட் 45.25 ஆக மொத்தம் ஏக்கர் 20 செண்ட் 45.75ல் பிரிவின்றி 7ல் 1 பங்கு ஏக்கர் 2 செண்ட் 92.75ம் சர்வே எண் 739/2, 741, 752 இவைகளில் உள்ள கிணறு நிலம் வகையறாக்களில் பிரிவின்றி 7ல் 1பங்கும் என ஏற்பாடு ஆவணம் எழுதி தாக்கல் செய்யப்பட்டது.

லேட்.கருப்பையா மூப்பனார் அவர்களுக்கு வாரிசு சான்று பெற்றும் மேற்படி சர்வே எண்களில் உள்ள பிரிவின்றி 7ல் 1பங்கு ஏக்கர் 2 செண்ட் 92.75ம் சர்வே எண் 739/2, 741, 752 இவைகளில் உள்ள கிணறு நிலம் வகையறாக்களில் பிரிவின்றி 7ல் 1பங்கும் தங்களுக்கு பாத்தியப்பட்டது என்பதை நீதிமன்றம் மூலம் ஆணை பெற்றும் அசல் ஆவண எண்கள் 1351/1955, 798/1957, 1393/1957 உடன் தாக்கல் செய்யுமாறு தெரிவிக்கப்படுகிறது.”

5.Reading of the above indicates that two specific grounds have been taken for issuing the refusal check slip. ie., i) Failure to produce the legal heirship certificate of late.Karupiah Moopanar and ii) Failure to produce the original of the parent document.



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6.The learned counsel for the petitioner would submit that as far as the production of the original of the parent document is concerned, issue is no longer *res integra* and is covered by a decision of the Hon'ble Supreme Court in ***K.Gopi Vs. The Sub Registrar and others, 2025 INSC 462***, wherein it had been stated as under:-

“15. The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.”

7.In ***M/S.Dugars Vs. The State of Tamil Nadu, represented by its Secretary to Government, Registration Department, Chennai and others, W.P. (MD) Nos.7415 of 2026 etc and batch, dated 23.06.2026***, the Division Bench of



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this Court has also held that Section 34C was unconstitutional and arbitrary. To that extent, the submission of the learned counsel for the petitioner merits consideration.

8.As far as failure to produce the legal heirship certificate is concerned, the same cannot be condoned. A mere production of a self-serving affidavit that the petitioner is one of the legal heirs of late.Karuppiyah Moopanar, who died on 16.09.1984, is not sufficient. The petitioner has to supplement the transaction relating to the property with a proper legal heirship certificate and a partition deed partitioning the extent in the location between the other legal heirs. Although the Sub Registrar Office is not concerned with the legality, when there is no clear partition among the members claiming right from the same ancestry, the registration cannot be allowed to create confusion among the co-owners. The petitioner has to obtain a legal heirship certificate of late Karuppiyah Moopanar and also a partition deed between the legal heirs of late.Karuppiyah Moopanar, agreeing with the boundaries.



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9.The Writ Petition stands disposed of, by giving liberty to the petitioner to re-present the document once again along with the legal heirship certificate and clear demarcation of the boundary by way of a partition deed. No costs.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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