



W.P.(MD) No.18578 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18578 of 2026

K.Nallamuthusamy

... Petitioner

Vs.

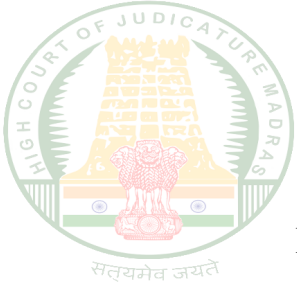
1.The Inspector General of Registration,
Santhom High Road,
Chennai - 600 028.

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 a Writ of Certiorarified Mandamus to call for the records of the third respondent pertaining to the Refusal Check Slip No. RFL/Sankarankovil/64/2026 dated 17.06.2026, quash the same and consequently, direct the third respondent to register the Sale Deed dated 17.06.2026 in favour of the petitioner in respect of her undivided share in the properties comprised in Survey Nos.752, 739/2, 740 and 741, situated at South Sankarankovil Village, Tenkasi District.



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For Petitioner

: Ms.M.Santhanamari

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For Respondents

: Mr.S.Venkatesh

Counsel for Government of Tamilnadu

ORDER

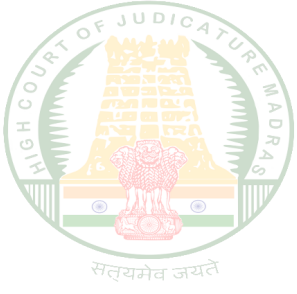
Mr.S.Venkatesh, learned counsel for the Government of Tamil Nadu, takes notice for the respondents.

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 appearing for the respondents.

3. The petitioner is before this Court challenging the impugned Refusal Check Slip issued by the third respondent bearing Ref.No.RFL/Sankarankovil/64/2026 dated 17.06.2026.

4. By the impugned Refusal Check Slip, the registration of the Sale Deed dated 17.06.2026 executed by one Thirumalaiammal in favour of the petitioner has been refused for the following reasons:

“ஆவணத்தில் லேட்.கருப்பையா மூப்பனார் அவர்களின் குமரத்தியும் திரு.அழகுமுத்து அவர்களின் மனைவியுமான திருமதி.A.திருமலையம்மாள் அவர்கள் திரு.கருப்பசாமி குமரார் திரு.நல்லமுத்துசாமி



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அவர்களுக்கு திருமதி.A.திருமலையம்மாள் அவர்களின் தகப்பனார் ஆன கருப்பையா மூப்பனார் அவர்கள் பெயருக்கு ஆவண எண்கள் 1351/1955, 798/1957, 1393/1957 கிரைய ஆவணங்கள் மூலம் கிடைக்க பெற்று வாரிசு அடிப்படையில் திருமதி.A.திருமலையம்மாள் 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 கிரையம் 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. A reading of the above indicates that two specific grounds have been assigned in the impugned Refusal Check Slip for refusing registration of the Sale Deed dated 17.06.2026, viz., (i) failure to produce the Legal Heirship Certificate of late Karuppiyah Moopanar; and (ii) failure to produce the original parent document.

6. The learned counsel for the petitioner would submit that insofar as the production of the original parent document is concerned, the issue



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is no longer *res integra* and is covered by the decision of the Hon'ble

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Supreme Court in ***K.Gopi v. The Sub Registrar and Others***, Neutral

Citation: 2025 INSC 462, wherein, while dealing with the decision of the

Division Bench of this Court, the Hon'ble Supreme Court held as follows:

“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.

16. Therefore, assuming that there is a power under Section 69 of the 1908 Act to frame the Rules, Rule 55A(i) is inconsistent with the provisions of the 1908 Act. Due to the inconsistency, Rule 55A(i) will have to be declared ultra vires the 1908 Act. The rule-making power under Section 69 cannot be exercised to



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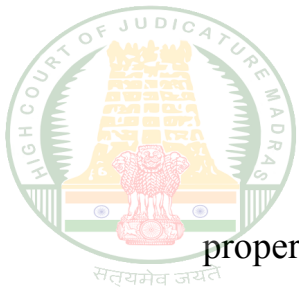
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make a Rule that is inconsistent with the provisions of the 1908 Act. Rule 55A(i) is accordingly declared as ultra vires the 1908 Act.

17. As the writ petition filed by the appellant was dismissed by the High Court, relying on Rule 55A(i), and since Rule 55A(i) is held to be invalid, the impugned judgments must be quashed and set aside. Ordered accordingly.”

7. In *M/s.Dugars v. The State of Tamil Nadu, represented by its Secretary to Government, Registration Department and Others*, rendered on 23.06.2026 in W.P.(MD) No.7415 of 2026 etc. batch, the Hon'ble Division Bench of this Court declared Section 34-C of the Registration Act, 1908, inserted by the Registration (Tamil Nadu Amendment) Act, 2026, which mandates the production of original documents, as ultra vires and struck down the same. To that extent, the submission of the learned counsel for the petitioner merits consideration.

8. As far as the failure to produce the Legal Heirship Certificate is concerned, the same cannot be condoned. The mere production of a self-serving affidavit stating that the said Thirumalaiaammal is one of the legal heirs of late Karuppiah Moopanar, who died on 16.09.1984, is not sufficient. The said Thirumalaiaammal has to substantiate her claim to the



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property by producing a proper Legal Heirship Certificate and a Partition

Deed partitioning the extent of the property among the legal heirs.

Although the Sub Registrar's Office is not concerned with the legality of the title, when there is no clear partition among the members claiming rights through the same ancestor, registration cannot be permitted, as it would create confusion among the co-owners. The said Thirumalaiammal has to obtain a Legal Heirship Certificate in respect of late Karuppiiah Moopanar and also produce a Partition Deed executed among the legal heirs of late Karuppiiah Moopanar clearly demarcating their respective shares and boundaries.

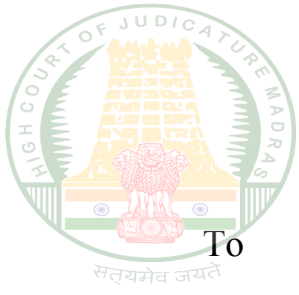
9. The Writ Petition stands disposed of, granting liberty to the petitioner to re-present the document along with the Legal Heirship Certificate of late Karuppiiah Moopanar and a Partition Deed clearly demarcating the boundaries of the property. There shall be no order as to costs.

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JEN

NCC : Yes / No

Index : Yes / No



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C.SARAVANAN, J.

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