

W.P.(MD) No.18338 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.18338 of 2026

and

W.M.P.(MD)No.13569 of 2026

S.Sebastian

... Petitioner

Vs.

1.The District Registrar,
Pudukkottai, Pudukkottai District.

2.The Sub Registrar,
Viralimalai Registrar Office,
Pudukkottai District.

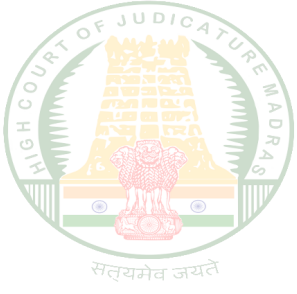
3.The Revenue Divisional Officer,
Illupur, Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certioarified Mandamus, calling for the records relating to the impugned order in RFL/Viralimalai/95/2026 passed by the second respondent in his proceedings dated 29.05.2026 and quash the same as illegal. Consequently, direct the second respondent to register the release deed dated 29.05.2026 executed in favour to the petitioner.

For Petitioner : Mr.N.Kamesh

For Respondents : Ms.P.Sudarkodi Natchiyar
Government Standing Counsel



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ORDER

WEB COPY The petitioner is before this Court challenging the impugned refusal slip dated 29.05.2026, issued by the second respondent bearing Reference No.RFL/Viralimalai/95/2026, whereby the petitioner's request for registration of a release deed dated 29.05.2026 was rejected with the following observation:

1. Others: ஆவணத்தில் கண்டுள்ள குன்னத்துர் கிராம சர்வே 37/2-41 செண்ட் நிலத்தைப் பொறுத்து இவ்வலுவலகத்தில் திரு. சவரிமுத்து வகையறாக்களால் ஆவண எண் 431/1993 மூலம் பாகப்பிரிவினை செய்யப்பட்டு மேற்படி பாக ஆவணத்தை பொறுத்து ஜெயராஜ் என்கிற சவரிமுத்து என்பவரால் ஆவண எண். 1920/2022, 1921/2022 மூலம் அவரது மகன்கள் ஜான்பால் இருதயராஜ் ஆகியோருக்கு செட்டில்மெண்ட் எழுதிக்கொடுக்கப்பட்டுள்ளது. மேற்படி சம்மந்தமில்லாத பாகப்பிரிவினை செய்த சவரிமுத்து வகையறாக்கள் பெயரில் மாற்றம் செய்யப்பட்ட பட்டாவினை ரத்து செய்ய சவரிமுத்து மகன் செபஸ்தியான் தாக்கல் செய்த மனுவின் பேரில் மேற்படி பட்டா ரத்து செய்யப்பட்டு சவரிமுத்து மகன் செபஸ்தியான் சவரிமுத்து மனைவி ஆரோக்கியமேரி ஆகியோரது பெயரில் தற்போது வழங்கப்பட்டு பூர்விக சொத்து எனக் குறிப்பிட்டு ஆவணம் பதிவுக்கு தாக்கல் செய்யப்பட்டுள்ளது. மேற்படி சொத்துக்கு சம்மந்தமில்லாத நபர்களால் மேற்கொள்ளப்பட்ட அடுத்தடுத்த ஆவணப்பதிவு வில்லங்கத்தை சரிசெய்து ஆவணம் பதிவுக்கு தாக்கல் செய்ய ஆவணதாரர்களுக்கு அறிவுறுத்தி பதிவு மறுத்தளிக்கப்படுகிறது.

2. It is the case of the petitioner that the land in question measuring an extent of. 0.16.5 Aers [equivalent to 40.78 cents] was assigned to the petitioner's paternal grandfather, namely, Sevanthi Udayar. It is submitted that after the petitioner's grandfather's death, Patta No.503 was issued by mutating the revenue records by declaring the name of the Patta holders as the petitioner and his mother, namely, Arokiyamary.



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WEB COPY 3. It is submitted that another person, by name, Jayaraj @ Savarimuthu, a resident of the same Village, executed a registered partition deed dated 07.07.1993 bearing Document No.431 / 1993 in favour of his sons namely, Innachi, Jayaraj @ Savarimuthu and Paulraj @ Mariyasusai and thereafter, executed settlement deeds bearing Document Nos.1920 and 1921 of 2022, dated 23.05.2022 in favour of his sons, namely, Irudhyaraj and Johnpaul.

4. The petitioner has brought attention to the order of the Revenue Divisional Officer, dated 20.02.2026, bearing reference in Ni.Mu. 2304217/2024/A3, whereby the revenue records have been restored back in the name of the petitioner and the petitioner's mother from the names of the said Johnpaul and Irudhayaraj. It is informed by the petitioner that no further steps have been taken by the above named persons against the order of the Revenue Divisional Officer.

5. It is submitted that since the property in question is an ancestral property which was assigned to the petitioner's grandfather, namely, Sevanthi Udayar, the petitioner has secured the interest to avoid disputes in future by executing a Release Deed dated 29.05.2026, whereby the



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petitioner's two sisters have relinquished their rights over the property in favour of the petitioner.

6. It submitted that petitioner cannot be asked to reverse the partition deed dated 07.07.1993 registered as Document No.431 of 1993 and the settlement deed registered as Document Nos.1920 and 1921 of 2022, both dated 23.05.2022.

7. In my view, the petitioner has made out a case for registration of the release deed on the strength of the settlement Patta that was issued UDR Settlement Patta No.503, which was issued in the name of the petitioner's grandfather, namely, Sevanthi Udayar in the light of the decision of the Hon'ble Supreme Court in **K.Gopi vs. The Sub Registrar and others** [(2026) 2 SCC 696], wherein it has been held as under:-

"18. 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.



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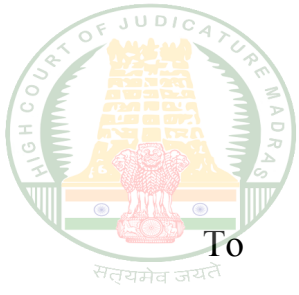
19. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the 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."

8. Considering the above legal position, the impugned Refusal Check Slip dated 29.05.2026 is quashed with the consequential direction to the second respondent to register the Release Deed dated 29.05.2026. Needless to state, the registration of the Release Deed dated 29.05.2026 is without prejudice to the rights of the said Johnpaul and Irudhayaraj. In case, they are aggrieved by the registration, they are entitled to work out their remedy in the manner known to law.

9. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

NCC : Yes / No
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01.07.2026



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C.SARAVANAN, J.

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