



W.P.(MD) No. 20148 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 20148 of 2026
and
W.M.P.(MD) No.14923 of 2026**

Thenpandiyan

... Petitioner

Vs

The Sub Registrar,
Nainarkovil Sub Registrar Office,
Sivagangai Registration District,
Paramakudi Taluk,
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Check Slip issued by the respondent in refusal No.RFL/Nainarkoil/16/2026 dated 08.07.2026 and quash the same as illegal and consequently, to direct the respondent to register the sale deed dated 08.07.2026 presented by the petitioner.

For petitioner : Mr. M.Mohamed Zamil
for M/s.Ajmal Associates



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For respondent : Mr.S.Venkatesh
Counsel for State of TN

ORDER

This Writ Petition is taken up for final hearing at the time of admission with the consent of the learned counsel for the petitioner and learned Counsel for State of TN for the respondent.

2. The petitioner is before this Court against the impugned refusal slip dated 08.07.2026 issued by the respondent in his proceedings bearing reference RFL/Nainarkoil/16/2026. By the impugned refusal slip, the respondent has declined to register a Sale Deed executed in favour of the petitioner by the previous owners, namely, K.Pitchai and M.Chellamani. The said K.Pitchai and M.Chellamani had purchased the subject property on 31.07.2014 *vide* a registered Doc.No.1405 of 2014 from the Assistant Property Officer of the Tamil Evangelical Lutheran Church, namely, M.Mandhirirajkumar.

3. It appears that one Rajendran had given a complaint stating that the said Assistant Property Officer of the aforesaid church was not authorised to sell the



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property to the petitioner's vendors, namely, K.Pitchai and M.Chellamani and that the District Registrar (Admin) by an order dated 17.02.2021 had made an observation that the said Assistant Property Officer of the said church was not competent to execute the sale deed in favour of the petitioner's vendor.

4. It appears that further appeal was also filed by the petitioner's vendor before the Deputy Inspector General of Registration, who, dated 30.11.2021 had confirmed the views of the District Registrar (Admin) on 17.02.2021.

5. The case on record reveals that the petitioner's predecessors had also challenged the order of the Deputy Inspector General of Registration dated 30.11.2021 and the order of the District Registrar (Admin) dated 17.02.2021 before this Court in W.P.(MD) No.17971 of 2023. By an order dated 22.07.2025, this Court had ordered as under:

"5. Accordingly, the impugned order dated 17.02.2021 passed by the 3rd respondent, and the consequential impugned order dated 30.11.2021 passed by the 2nd respondent, are hereby set aside. The parties are at liberty to approach the civil court. The court below shall consider the plea of the parties uninfluenced by any observation made in this order or the impugned order."



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6. It appears that the petitioner's vendors had also filed O.S.No.138 of 2022 on the file of the Sub Court, Manamadurai for a declaration that they are the absolute owners, wherein the suit was dismissed on 09.08.2024. It is the case of the petitioner that the suit was restored and however, there are no records to reveal the same.

7. It is noticed that the Court has taken note of the decision of the Hon'ble Supreme Court in ***K.Gopi vs. the Sub Registrar and others in Civil Appeal No. 3954 of 2025 dated 07.04.2025***, wherein in para 15 the Hon'ble Supreme Court has held 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



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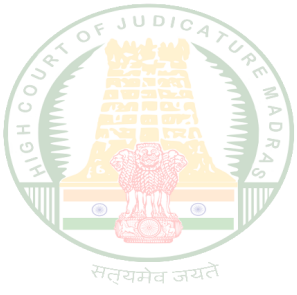
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interest in the property, the registered document cannot effect any transfer.”

8. It is therefore submitted that the refusal to register the Sale Deed executed by the petitioner's vendors on 08.07.2026 cannot be countenanced. The decision of the Hon'ble Supreme Court in **K.Gopi's** case (referred to supra) cannot be interpreted to mean that the registration can turn a Nelson's eye to all misdeeds.

9. Admittedly, there is a dispute as to whether the previous sale in favour of the petitioner's vendors on 31.07.2014 registered as Doc.No.1405 of 2014 is under a cloud. The petitioner's vendors have themselves approached the civil court in O.S.No.138 of 2022 to declare the title. That being the case, the Sale Deed, which is executed after the orders were passed by this Court on 22.07.2025, cannot be allowed to be registered. If at all, the petitioner has to work out the remedy before the civil court, as ordered earlier by this Court in W.P.(MD) No. 17971 of 2023 dated 22.07.2025.

10. Further, it is noticed that the petitioner has to at least implead the said



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Tamil Evangelical Lutheran Church. However, the petitioner, without impleading the said church, filed this Writ Petition. Hence, this Writ Petition is liable to be dismissed.

11. Accordingly, this Writ Petition is dismissed with a liberty to the petitioner to file a fresh Writ Petition in case the petitioner deserves to secure a favourable order after impleading the said church. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

16.07.2026

To

The Sub Registrar,
Nainarkovil Sub Registrar Office,
Sivagangai Registration District,
Paramakudi Taluk,
Ramanathapuram District.



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C.SARAVANAN, J.

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