



W.P.(MD) No.20277 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2026

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20277 of 2026

X.Vensia

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar, Cholavanthan,
Cholavanthan, Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned refusal check slip of the respondent in RFL/Cholavanthan/18/2026 dated 07.07.2026 and quash the same as illegal and consequently directing the respondent to register the petitioner's settlement deed dated 07.07.2026.

For Petitioner : Mr.S.Vignesh

For Respondent : Mr.S.Venkatesh
Government Standing Counsel

ORDER

The petitioner is before this Court challenging the impugned Refusal Check Slip dated 07.07.2026 issued by the respondent, whereby



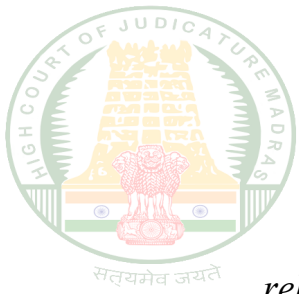
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the respondent declined to register the Gift Deed dated 07.07.2026 executed by the petitioner in favour of her daughter.

2. The petitioner claims title to the subject property through the legal heirs of one Germanus, who had purchased the property as early as 29.05.1995 under a registered Sale Deed bearing Document No.3294 of 1995.

3. It appears that, after the demise of Germanus on 11.04.2016, his wife, Anthoniammal, executed a registered Release Deed dated 22.08.2019 in favour of her daughter, S.Maria Antonio. The said document was registered as Document No.1893 of 2019. Thereafter, the petitioner purchased the property from the said S.Maria Antonio under a registered Sale Deed dated 11.10.2019, which was registered as Document No.2421 of 2019.

4. A reading of the impugned Refusal Check Slip reveals that the respondent declined registration by placing reliance upon the proceedings initiated at the instance of Madurai Aatheenam in W.P.(MD) No.17809 of 2023. In the said Writ Petition, this Court passed the following order on 18.10.2024:



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"4. At the outset, if really the properties are endowed to the religious charitable purpose or under the control of the Hindu Religious and Charitable Endowment Department, any sale made without sanction as contemplated under Section 34 of the said Act is void. In such view of the matter, it is for the concerned department to take necessary action to restore the properties either under the Hindu Religious and Charitable Endowment Act or by filing necessary suit before the civil Court.

5. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed."

5. Thus, the impugned Refusal Check Slip, based on the aforesaid order passed by this Court, cannot be countenanced. Even otherwise, in view of the law laid down by the Hon'ble Supreme Court in **K.Gopi v. The Sub-Registrar and Others**, (2026) 2 SCC 696, wherein it has been held as follows:

"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.

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



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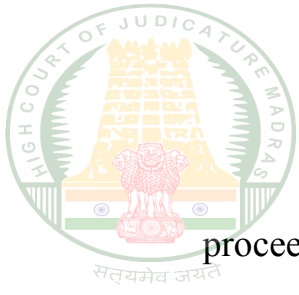
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compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer."

6. The above view is also fortified by the decision of this Court in P.Varadharajan v. Special Commissioner and Commissioner, 2020 SCC OnLine Mad 28976 : (2020) 3 CTC 785, wherein, in Paragraph 7, this Court observed as follows:

"7.Mere claim by the HR & CE Department is not sufficient for the Sub Registrar to refuse the document. Unless the title of temple is acknowledged by a Civil Court or the temple produce sufficient documents to prove its lawful title, the Register cannot refuse to register the document presented by individual. Section 22(A) of Registration Act prescribes only when the Registering Authority has reason to believe that the property belongs to any institution, which comes under the purview of HR & CE Act. When the previous document was registered without any objection, it is improper to refuse to register the document on the ground of objection raised by H.R. & C.E. Department."

7. Therefore, the respondent/Sub-Registrar is directed to register the Gift Deed dated 07.07.2026 presented by the petitioner in respect of the subject property in favour of the petitioner's daughter. Needless to state, such registration shall be subject to the rights and contentions of Madurai Aatheenam. It is open to Madurai Aatheenam to institute appropriate



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proceedings before the competent Civil Court, as observed by this Court

in W.P.(MD)No.17809 of 2023 dated 18.10.2024, if so advised.

8. The Writ Petition stands disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
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17.07.2026

To

The Sub Registrar,
Office of the Sub Registrar, Cholavanthan,
Cholavanthan, Madurai District.



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C.SARAVANAN, J.

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