



W.P.(MD) No. 20461 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20461 of 2026

Abirashi

... Petitioner

Vs

1. The Sub Registrar,
O/o. Sub Registrar,
Kalayarkoil,
Sivagangai.

2. The Inspector of Police,
Economic Offences Wing,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the Impugned refusal check slip issued by the first respondent in RFL/Kalayarkoil/46/2026 dated 13.07.2026 and quash the same as it is illegal and in consequence to direct the first respondent to register the sale deed dated 13.07.2026 executed by petitioner.



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For petitioner : Mr. R. Suriya Narayanan

For R1 : M/s.P.Sudarkodi Natchiyar
Counsel for State of TN
For R2 : Mr.P.Vetrivel
Government Advocate (Crl.Side)

ORDER

M/s.P.Sudarkodi Natchiyar, learned Counsel for State of TN takes notice for the first respondent. Mr.P.Vetrivel, learned Government Advocate (Crl.Side) takes notice for the second respondent.

2. This Writ Petition is taken up for final hearing at the time of admission with the consent of the learned counsel for the petitioner, learned Counsel for State of TN for the first respondent and learned Government Advocate (Crl.Side) for the second respondent.

3. The petitioner appears to have purchased an extent of 1.47.05 acres of land from the vendors, namely, Nandhini, Arul Vimalan, Rayor Benjamin, who had purchased the same through Doc.No.1920/2026 dated 06.04.2026 and Doc.Nos.1956 & 1958/2026 dated 08.04.2026, respectively, as detailed below:



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S.No.	Name of the owner	Survey Number	Extent	Date	Doc.No.
1.	Nandhini	236/3A2	55 cents	06.04.2026	1920/2026
2.	Arul Vimalan	236/2B	43 ½ cents	08.04.2026	1958/2026
3.	Rayor Benjamin	236/3A3	49 cents	08.04.2026	1956/2026

4. They themselves appears to have purchased the land from one Senthilkumar, who claims to have perfected title over the land pursuant to the Release Deed executed by one Vijayaraja in Doc.No.690/2024 dated 12.02.2024. It appears that the said Vijayaraja and the said Senthilkumar had earlier purchased the land from one Kelvin Gill by way of Sale Deed dated 07.07.2021 registered vide Doc.No.2229/2021 in Survey Nos.236/2 and 236/3A to an extent of 1.59 acres and 2.08 acres, respectively, measuring total extent of 3.67 acres.

5. The facts on record also reveal that an FIR has been registered against the predecessor, namely, Vijayaraja in Crime No.1/2024 dated 12.09.2024 before the EOW, Sivagangai and that the said Vijayaraja has been arrayed as A17 in the said case. In this connection, C.C.No.3 of 2026 is pending before the TANPID Court, Madurai.



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6. In view of the above, the second respondent has issued a communication to the first respondent not to register any property of the land in Survey Nos. 236/3A2 and 236/3A3, which have been subsequently subdivided as mentioned above. The reason in the English version of the impugned order reads as under:

REASON FOR REFUSAL:

“It is observed that the property described in the document comprises lands in Muthur Group, Muthur Village, Morakuzhi Ayanar Kulam, bearing Survey Nos. 236/3A subdivided into 236/3A2 and 236/3A3, and 236/2 subdivided into 236/2B.

On verification of the previous documents, it is found that Document Nos. 2229/2021 and 690/2024 were registered. Further, during the investigation conducted in Crime No. 01/2024 by the economic offenses authorities, it was found that the vendors had created and executed the earlier sale deeds without any lawful title over the property.

Since the persons who executed those sale deeds had no title or ownership over the property, the documents were allegedly created by impersonation and fraudulent means, thereby cheating innocent purchasers. Consequently, the said earlier sale deeds have become the subject matter of a criminal investigation.

It is further stated that, based on the complaint, a criminal case has been registered as Crime No. C.No. 10-2/INS/EOW/SVG/2025 dated 17.11.2025 by the Economic Offences Wing, Sivagangai. As the property covered under the present document is connected with the said criminal case, the document is kept pending under Section 27 (ii) for appropriate action.”

7. Law on the subject is clear as per the decision rendered by the Hon'ble



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Supreme Court in ***K.Gopi vs. the Sub Registrar and others in Civil Appeal No.***

3954 of 2025 dated 07.04.2025, which is 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 interest in the property, the registered document cannot effect any transfer.”

8. That apart, in a series of judgments, the Court has also held that neither the Inspector of Police has no authority to give any letter nor the Registering Authority has no power to act on such letter to refuse to register.

9. Considering the same, I am inclined to direct the first respondent to register the Sale deed dated 13.07.2026 produced by the petitioner and the



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petitioner shall, however, not alienate the property without the permission of TANPID Court, Madurai, in connection with C.C.No.3 of 2026 arising out of Crime No.1/2024 dated 12.09.2024.

10. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

20.07.2026

To

1. The Sub Registrar,
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Kalayarkoil,
Sivagangai.

2. The Inspector of Police,
Economic Offences Wing,
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C.SARAVANAN, J.

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