



W.P.(MD) No.32854 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.32854 of 2025

Srinivasan

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.

3.Siddick Rahman

4.Ishak

5.Rasina Parveen

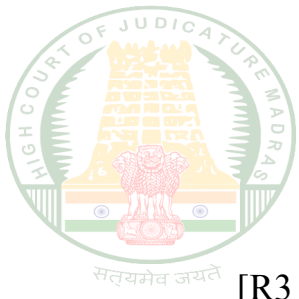
6.Mohamed Yusuf Sulthan

7.Abdul Kareem

8.Abdul Kasim

9.Sahabdeen

... Respondents



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WEB COPY [R3 to R9 are impleaded *vide* court order dated 11.02.2026 in W.M.P.(MD)No.27179 of 2025]

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 pertaining to the impugned Refusal Check Slip in Refusal No.RFL/Keelakarai/135/2025 dated 11.11.2025 issued by the second respondent herein, to quash the same as unlawful and unsustainable and consequently direct the second respondent to register the gift settlement deed dated 11.11.2025 presented by the petitioner for registration within time fixed by this Court.

For Petitioner : M/s.M.Gopika

For R1 & R2 : Mr.R.Parthiban
Counsel for Government of Tamilnadu

For R3 & R8 : No appearance

ORDER

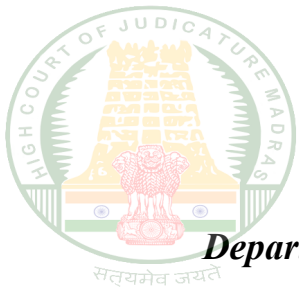
The petitioner is before this Court challenging the impugned Refusal Check Slip dated 11.11.2025, whereby the second respondent declined to register the Settlement Deed dated 11.11.2025 presented by the petitioner.



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WEB COPY 2. The petitioner claims to have purchased several properties from the legal heirs of one Noorjahan *vide* a Sale Deed dated 29.09.2008, registered as Document No.2396 of 2008. It is submitted that Noorjahan died on 24.09.2008 and immediately thereafter, the aforesaid Sale Deed dated 29.09.2008 was executed by her legal heirs. The learned counsel for the petitioner further submitted that subsequently, the legal heirs of Noorjahan executed a Settlement Deed dated 04.01.2010, registered as Document No.20 of 2010, whereby they settled the said properties in favour of their father, S.M.Syed Mohammed. A comparison of the signatures in the Sale Deed dated 29.09.2008, registered as Document No. 2396 of 2008 and the Settlement Deed dated 04.01.2010, registered as Document No.20 of 2010, indicates that there is a large scale variation in the signatures of the executants.

3. The power vested in the Registering Authority under Section 77-A of the Registration Act, 1908, which was inserted by Tamil Nadu Act 41 of 2022 with effect from 16.08.2022, to cancel the registration of certain documents, was declared *ultra vires* by a Division Bench of this Court in ***M.Kathirvel v. The Inspector General of Registration,***



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Department of Registration, in W.P.Nos.10291 of 2022 etc. batch, by

order dated 02.08.2024. The Hon'ble Supreme Court, in **K.Gopi v. The**

Sub Registrar and Others, Neutral Citation: 2025 INSC 462, while

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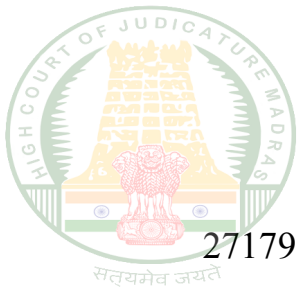
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make a Rule that is inconsistent with the provisions of the 1908 Act. Rule 55A(i) is accordingly declared as ultra vires the 1908 Act.

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.”

4. The Hon'ble Supreme Court, in the aforesaid cases, referred to Section 69 of the Registration Act, 1908, which confers upon the Inspector General the power to superintend registration offices, make rules. The Hon'ble Supreme Court also considered Sections 22-A and 22-B of the Registration Act, 1908, as well as Rule 55-A of the Registration Rules. Since the scope of enquiry before the Registering Authority has now been curtailed in view of the law laid down by the Hon'ble Supreme Court, the registration of the Settlement Deed dated 11.11.2025 executed by the petitioner in favour of his wife, in respect of which the impugned Refusal Check Slip dated 11.11.2025 has been issued, cannot be refused.

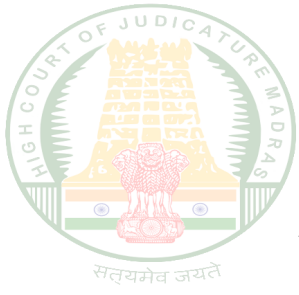
5. It is noticed that this Court had also ordered notice to the legal heirs of late Noorjahan pursuant to their impleadment as the third to ninth respondents by an order dated 11.02.2026 passed in W.M.P. (MD) No.



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27179 of 2025. Notice has been served on the third and fourth respondents. However, there is no representation on their behalf. The Registry endorsement indicates that the fifth respondent had died, the sixth respondent had left the address given, the postal cover sent to the ninth respondent was returned with the endorsement "No such person", and service is yet to be completed on the fourth and seventh respondents.

6. Be that as it may, the registration of the Settlement Deed dated 11.11.2025 cannot be refused in the light of the law laid down by the Hon'ble Supreme Court. Therefore, the impugned Refusal Check Slip dated 11.11.2025 is quashed. However, it is open for the beneficiary in the Settlement Deed dated 04.01.2010, registered as Document No.20 of 2010 on the file of the second respondent, to work out their remedies in the manner known to law, in view of the apparent variation in the signatures of the executants found in the Sale Deed dated 29.09.2008, registered as Document No.2396 of 2008 and the Settlement Deed dated 04.01.2010, registered as Document No.20 of 2010.



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7. With the above observations, this Writ Petition stands disposed

of. There shall be no order as to costs.

30.06.2026

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NCC : Yes / No

Index : Yes / No

To

1.The District Registrar,
District Registrar Office,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Sub Registrar Office,
Keelakarai,
Ramanathapuram District.



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C.SARAVANAN, J.

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