

W.P.(MD) No.34572 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.34572 of 2025

T.Bakthavachalam

... Petitioner

Vs.

1.The Sub Registrar,
Sankarankovil,
Tenkasi District.

2.N.Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned Refusal Check Slip in Refusal Number RFL/Sankarankovil/82/2025 dated 14.05.2025 issued by the first respondent and quash the same as illegal and consequently, direct the first respondent to register the document submitted by the petitioner with regard to property comprised in Survey No.172/2 and new Survey No. 172/2B, measuring 1 Acre 28 cents, situated in Railway Feeder Road, Sankarankovil Taluk, Tenkasi District, within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For R1 : Mr.R.Parthiban
Government Standing Counsel



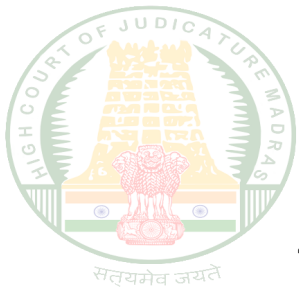
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ORDER

WEB COPY The petitioner is before this Court against the impugned refusal slip dated 14.05.2025, whereby the first respondent has declined to register the settlement deed dated 12.04.2025 on the basis of certain entries made in the records during the years 2009 and 2013. The said entries pertain to a Power of Attorney dated 19.10.2009, alleged to have been executed by the petitioner in favour of the private respondent herein.

2. The learned counsel for the petitioner submits that the said Power of Attorney itself is a forged document and, consequently, the sale agreement stated to have been executed by the private respondent pursuant thereto is also a fabricated document. It is further submitted that the said Power of Attorney and the related documents were subsequently cancelled by way of Document Nos.3514, 3515, 3516 and 3517 of 2013, dated 04.09.2013 and 05.09.2013.

3. It is submitted that the petitioner traces title to the subject property to a registered sale deed dated 22.07.1983, registered as Document No.1312 of 1983, under which the petitioner purchased an extent of 1 Acre and 28 Cents in Survey No.172/2B, situated at Railway Feeder Road, Sankarankovil Taluk, Tenkasi District.



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4. The learned counsel further submits that, irrespective of the entries made in the registration records in the years 2009 and 2013, which have since been cancelled, a sale agreement by itself does not create or transfer any right, title or interest in the immovable property. It is also submitted that the aforesaid Power of Attorney and the related documents were created by third parties without the knowledge or consent of the petitioner and have subsequently been cancelled.

5. The learned counsel for the petitioner also places reliance upon the decision of the Division Bench of this Court in **N.Ramayee v. The Sub-Registrar, Registration Department, Salem and another** [2020 (6) CTC 697 : 2020 (8) MLJ 305] and the recent decision of the Hon'ble Supreme Court in **K.Gopi v. The Sub Registrar and others** [(2026) 2 SCC 696]. In particular, reliance is placed on paragraphs 18 and 19 of the judgment of the Hon'ble Supreme Court, which read 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



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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 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. In the light of the ratio laid down by the Hon'ble Supreme Court in **K.Gopi** [cited supra] and the law settled by the Division Bench of this Court in **N.Ramayee** [cited supra], I am of the view that the objection raised by the first respondent in the impugned refusal slip is unsustainable. Accordingly, the impugned refusal slip dated 14.05.2025 is set aside, and the first respondent is directed to receive and register the settlement deed dated 12.04.2025, if it is otherwise in order and satisfies the requirements of the Registration Act, 1908, and the rules made thereunder.

7. Accordingly, the writ petition is allowed. It is, however, made clear that this order is without prejudice to the rights and remedies, if any,



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available to the second respondent in accordance with law in respect of
the property in question. There shall be no order as to costs.

NCC : Yes / No
smn2

02.07.2026

To

The Sub Registrar,
Sankarankovil,
Tenkasi District.



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C.SARAVANAN, J.

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