

W.P.(MD) No.35435 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.35435 of 2025

Murugalakshmi

... Petitioner

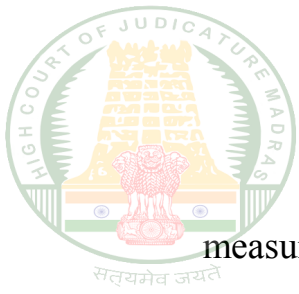
Vs.

1.The Joint Sub Registrar No.2,
O/o. the Joint Sub Registrar No.2,
Virudhunagar District.

2.Saranya
[R2 is *suo motu* impleaded vide order
dated 09.06.2026]

... 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 dated 24.11.2025 in Refusal Number: RFL/2 TP/237863402/2025 issued by the first respondent and quash the same consequently direct the first respondent to register the settlement deed dated 31.10.2025 executed by one Thirumoorthy in favour of the petitioner in respect of land mentioned in Patta No.253 comprising of Survey No.133/2A1 measuring about 0.02.50 Hectare and Survey No. 133/2A3 measuring about 0.02.50 Hectare and also in respect of the land mentioned in Patta No.237 comprising of Survey No.133/2B1 measuring about 2.02.50 Hectare to a total area of 2.07.50 Hectare in which land comprised in S.No.133/5 which is on the upper side, south side, a land



W.P.(MD) No.35435 of 2025

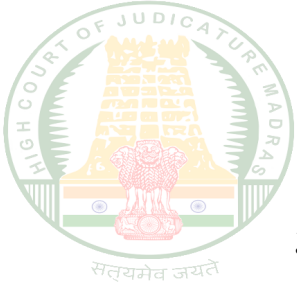
measuring 0.52.25 Hectares, measuring 1 Ares 29 Cents, situated at Kulloorchandai Village, Aruppukottai Taluk, Joint Sub-Registrar No.2 Office, Virudhunagar, Virudhunagar District, within a stipulated time fixed by this Court.

For Petitioner : Mr.I.Suthakaran
For R1 : Mr.R.Parthiban
Government Standing Counsel
For R2 : Ms.P.Jessi Jeeva Priya

ORDER

The petitioner is before this Court against the impugned refusal slip dated 24.11.2025 bearing Reference No.RFL/2 TP/237863402/2025, issued by the first respondent. Subsequently, by an order dated 09.06.2026, the second respondent was impleaded as a party to these proceedings. The second respondent is the plaintiff in O.S.No.350 of 2025 pending on the file of the Sub Court, Aruppukkottai.

2. The said suit has been instituted for partition of the ancestral properties traceable to one Srinivasaga Naidu @ Srinivasan Naidu, both names having been used in the various documents placed before this Court. It appears that the said Srinivasaga Naidu @ Srinivasan Naidu had four legal heirs, namely, Sri Ammal, Padmavathi, Lakshmi and Kannan.

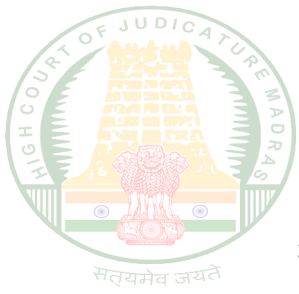


W.P.(MD) No.35435 of 2025

3. The petitioner's father, Thirumoorthy, appears to have purchased an extent of 1 Acre and 29 Cents of land from K.Venkatesh and K.Prema, who are the son and wife, respectively, of the said Kannan, by a registered sale deed dated 16.07.2025, registered as Document No.4616 of 2025. Out of the said extent of 1 Acre and 29 Cents, an extent of 38.99 cents is proposed to be conveyed in favour of the petitioner. It is, in these circumstances, the petitioner has approached this Court challenging the impugned refusal slip.

4. The recitals contained in the sale deed dated 16.07.2025 executed by K.Prema and K.Venkatesh in favour of the petitioner's father, Thirumoorthy, read as follows:

எங்களில் 1வது நபருக்கு கணவரும், 2வது நபருக்கு தந்தையுமாகிய திரு. சீ. கண்ணன் அவர்களின் தந்தையான திரு. சீனிவாசக நாயுடு அவர்களுக்கு பூர்வீகப்பாத்தியப்பட்டு, ஷெயார் அனுபவித்து வந்து, பின்னர் ஷெயாருக்குப்பாத்தியப்பட்டுள்ள சொத்துக்களைப்பொறுத்து, நாங்களும். எங்களில் 1வது நபருக்கு குமாரரும், 2வது நபருக்கு உடன்பிறந்த சகோதரருமாகிய திரு. க.லோகேஸ் அவர்களும் சேர்ந்து எங்களுக்குள்ளாக வாக்கறாலாக பாகம் செய்து கொண்டதில், எங்களது பாகத்துக்கு கிடைக்கப்பெற்று, எங்களது பெயருக்கு தனித்தனியாக பட்டா ஏற்பட்டு, நாளது தேதிவரை நாங்கள் சர்க்கார் தீர்வை வகையராவை செலுத்தி வந்து, எவ்வித வில்லங்க விவகாரமும் இல்லாமல் சர்வ சுதந்திர பாத்தியமாக ஆண்டனுபவித்து வருகிற சொத்தில் ஒரு பகுதியாக உள்ள சொத்து தபசில் கண்ட புள்ளை நிலமாகும்.



W.P.(MD) No.35435 of 2025

5. Thus, it is evident that, without a proper determination of the boundaries and the respective shares of the legal heirs of Srinivasaga Naidu @ Srinivasan Naidu, an alleged oral partition is stated to have been effected among the wife and two sons of Kannan, even while Kannan is admittedly alive.

6. *Prima facie*, the objections raised by the first respondent in the impugned refusal slip appear to be sustainable. However, the Hon'ble Supreme Court in **K.Gopi v. The Sub Registrar and others** [(2026) 2 SCC 696] has 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 compliances as narrated above, the document must be registered. The execution and registration of a document have



WEB COPY



W.P.(MD) No.35435 of 2025

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."

7. The learned counsel for the petitioner, however, contends that the mere pendency of a civil suit, in the absence of any order of interim injunction, cannot constitute a valid ground for refusing registration and, therefore, the impugned refusal slip is liable to be set aside.

8. At this stage, the learned counsel for the second respondent submits that certain defendants in O.S.No.350 of 2025, namely, Padmavathi, Swetha, Mathivathanasri and Vel Priya, have also instituted O.S.No.95 of 2026 on the file of the learned Additional District Judge, Aruppukkottai, against Kannan and the second respondent, Saranya.

9. It is evident that several disputes have arisen among the legal heirs of the late Srinivasaga Naidu @ Srinivasan Naidu. Having regard to the fact that the boundaries and the respective shares of the co-sharers have not yet been determined and that the alleged oral partition is unilateral in nature, pursuant to which the petitioner's father claims title to



W.P.(MD) No.35435 of 2025

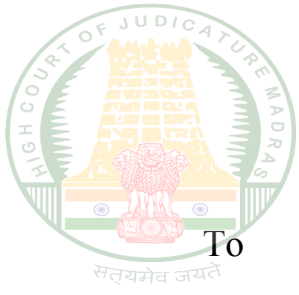
the property, a portion of which is now sought to be settled in favour of the petitioner. This Court is therefore of the view that the interests of justice would be served by directing the contesting parties to obtain appropriate interim orders from the competent Civil Court.

10. Accordingly, the second respondent and the plaintiffs in O.S.No.95 of 2026 are granted a period of six months from the date of receipt of a copy of this order to obtain appropriate interim orders from the respective Civil Courts. In the event, no order of interim injunction or other prohibitory order is obtained within the said period, the document presented for registration, which is the subject matter of the impugned refusal slip, shall be registered, if it is otherwise in order. It is made clear that any such registration shall be subject to the final outcome of O.S.No. 350 of 2025, O.S.No.95 of 2026, and any other connected proceedings.

11. The writ petition is disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
smn2

02.07.2026



W.P.(MD) No.35435 of 2025

To

WEB COPY

The Joint Sub Registrar No.2,
O/o. the Joint Sub Registrar No.2,
Virudhunagar District.



WEB COPY



W.P.(MD) No.35435 of 2025

C.SARAVANAN, J.

smn2

W.P.(MD) No.35435 of 2025

02.07.2026