



W.P.No.18153 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.18153 of 2025

Sarayu Ramesh Pattabhiraman

... Petitioner

Vs.

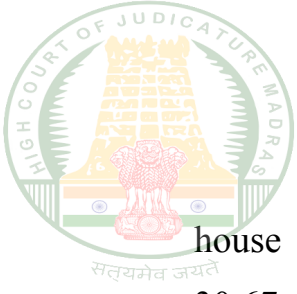
1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Chennai - 600 028.

2.The District Registrar,
Chennai South, 537, Fanepet,
Nandanam, Chennai - 600 035.

3.The Sub Registrar,
Neelankarai, 2/92, SH49, Kazura GArden,
Neelankarai, Chennai - 600 041.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent culminating in its refusal order No.RFL/Neelankarai/13/2025 dated 02.05.2025 and quash the same and consequentially direct the 3rd respondent to register the Settlement Deed dated 02.05.2025 executed and presented by the petitioner in favour of her younger sister Gayathri Ramesh Pattabhiraman transferring my 50% remainder interest in the residential



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house measuring about 4,500 sq.ft. together with land measuring about 30.67 cents, bearing Door No.2/176, Old No.2/134, Coral March Avenue, East Coast Road, Uthandi, Chennai - 600 119.

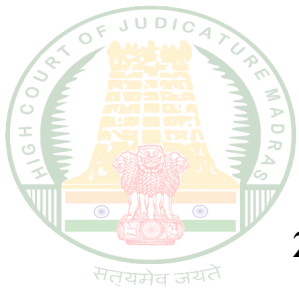
For Petitioner : Mr.R.Kumar

For Respondents : Mr.Karthik Jaganathan,
Government Advocate

ORDER

The petitioner seeks for the following relief:-

To issue a Writ of Certiorari, calling for the records of the 3rd respondent culminating in its refusal order No.RFL/Neelankarai/13/2025 dated 02.05.2025 and quash the same and consequentially direct the 3rd respondent to register the Settlement Deed dated 02.05.2025 executed and presented by the petitioner in favour of her younger sister Gayathri Ramesh Pattabhiraman transferring my 50% remainder interest in the residential house measuring about 4,500 sq.ft. together with land measuring about 30.67 cents, bearing Door No.2/176, Old No.2/134, Coral March Avenue, East Coast Road, Uthandi, Chennai - 600 119.



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2. The case of the petitioner is that her father one Ramesh Pattabhiraman had executed a settlement deed in her favour on 11.11.2009.

The said settlement deed was registered as Doc.No.3687/2009. The father had retained his life interest in the property. In order to put the family affairs in order, the petitioner decided to surrender the right that she obtained in the Eastern wing of the property in favour of her sister one Gayathri Ramesh Pattabhiraman. When the document was presented for registration, it was refused to be registered under the impugned check slip. Challenging the same, the present Writ Petition.

3. I heard Mr.R.Kumar, learned counsel appearing for the petitioner and Mr.Karthik Jaganathan, learned Government Advocate appeared for the respondents.

4. The impugned check slip reads that as the petitioner's father has retained the life interest, the document executed by the petitioner would not be received for registration. The position of law has been settled by the Supreme Court in **Gopi Vs. Sub-Registrar** reported in **2025 SCC Online SC 740**. The relevant portion viz., paragraph No.15 is extracted hereunder:

15. The registering officer is not concerned with the



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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.

5. This makes it clear that the Sub-Registrar is not entitled to go into the issues of title. The petitioner can alienate only whatever right that she has in and over the property. If the petitioner has no right then the settlee by virtue of the registration of the settlement deed would not get any right



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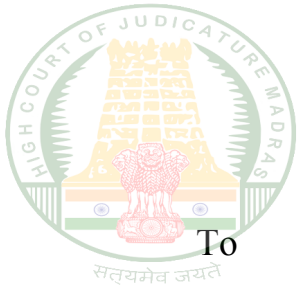
at all. Be that as it may, these issues cannot be decided by the Sub-Registrar. He need not act as a caveator for the father. I am sure the father is in a position to get appropriate legal advice and approach the Court in case if he has any apprehension over his daughters intentions. As long as the document satisfies the requirements of the Registration Act, the Sub-Registrar is duty bound to register the document.

6. In the light of the above, the impugned order is quashed and this Writ Petition stands **allowed**. The respondents shall register the release deed within a period of two (2) weeks from the date of uploading of the order on the website of this Court. No costs.

15.05.2025

dsa

Index : Yes/No
Internet : Yes
Neutral Citation : Yes/ No
Speaking Order/ Non-Speaking Order



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To

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- 1.The Inspector General of Registration,
Pattinampakkam, No.100,
Santhome High Road, Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Cuddalore, Door No.50, Sankara Naidu Street,
Thiruppathiripuliyur, Cuddalore - 607 002.
- 3.The District Registrar,
Tindivanam District,
63/a, Perumal Kovil Street, Pattanam,
Murungapakkam, Tindivanam - 604 001.
- 4.The Sub-Registrar,
Office of Joint-1, Sub-Registrar, Thindivanam,
373, Nehru Veedhi, Taluk Office Campus,
Tindivanam HO - 604 001.



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V.LAKSHMINARAYANAN. J.,

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