



W.P.No.36398 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.09.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.36398 of 2025

1.C.A.Palanisamy
2.A.M.Farooq

... Petitioner

Vs.

The Sub Registrar
Karumathampatti Sro,
Coimbatore District

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated in RFL/Karumathampatti/06/2025 dated 9.9.2025 passed by the respondent quash the same consequently direct the respondent to register the settlement deed dated 8.9.2025(TP/23227859/2025)executed by us with regard to the lands measuring 1.01 acres out of 1.72 acres (0.41.0Hec) comprised in S.No.646/2E(old S.No.646/2) Neelambur village, Suler Taluk, Coimbatore District and to release the original settlement deed



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For Petitioner : Mr.N.Manoharan

For Respondent : Mr.P.Harish, GA

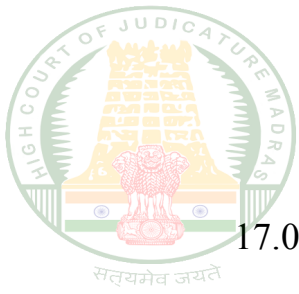
ORDER

This writ petition has been filed against the impugned order dated 09.09.2025 passed by the respondent and consequently, to direct the respondent to register the settlement deed dated 08.09.2025

2. Mr.P.Harish, learned Government Advocate, takes notice on behalf of the respondent.

3. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

4. The learned counsel for the petitioners would submit that originally, the subject lands were allotted to one R.Subbaian vide partition deed dated 14.06.1965. After the demise of said Subbaian, on



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17.01.2018, the said property was inherited to one Kamalathal (wife of deceased), who is the only legal heir of the deceased. Under these circumstances, the said Kamalathal had executed a sale deed dated 23.09.2024, in respect of the subject property, in favour of the petitioners. Thereafter, patta was also obtained by the petitioners in their name and the petitioners and their family are in possession of the subject property.

5. Further, he would submit that on 08.09.2025, the petitioners had executed a settlement deed in favour of their family members and presented the same before the respondent. However, the same was rejected by the respondent vide refusal slip dated 09.09.2025 on the ground that a protest petition dated 30.09.2024 was filed by one ThiruSelvam and Naveenkumar by laying their claim on the subject property based on the disputed will executed by aforesaid Subbaian. In this regard, a civil suit is also pending before the Civil Court.



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6. He would also submit that the aforesaid protest petition was filed by total strangers, who are no way connected to the subject property. However, without considering the same, the respondent had rejected the registration of aforesaid settlement deed executed by the petitioners in favour of their family members. Hence, he requests this Court to quash the same.

7. In reply, the learned Government Advocate appearing for the respondent would submit that due to the filing of protest petition and pendency of civil suit, the respondents were unable to register the settlement deed executed by the petitioners in respect of the subject property. Hence, he requests this Court to pass appropriate orders.

8. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondent and also perused the materials available on record.



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9. In the case on hand, originally, the subject lands were inherited to one Kamalathal (petitioners' vendor) after the demise of her husband- R.Subbaian. Thereafter, the vendor of the petitioners had executed a sale deed dated 23.09.2024, in respect of the subject property, to and in favour of the petitioners. Thereafter, patta was obtained by the petitioners in their name and they are in possession of the subject property.

10. Under these circumstances, on 08.09.2025, the petitioners had executed a settlement deed in favour of their family members and presented the same before the respondent. However, the same was rejected by the respondent vide refusal slip dated 09.09.2025 on the ground that a protest petition dated 30.09.2024 was filed by one ThiruSelvam and Naveenkumar by laying their claim on the subject property based on the disputed will executed by aforesaid Subbaian. Further, it was submitted that a suit is also pending before the Civil Court.



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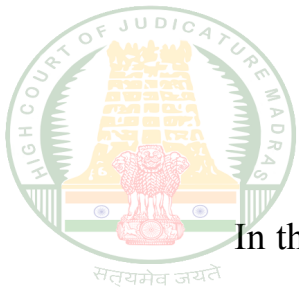
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11. According to the petitioners, the aforesaid protest petition was filed by the total strangers, who are no way connected to the subject property. However, without considering the same, the respondent had rejected the registration of aforesaid settlement deed executed by the petitioners in favour of their family members.

12. Normally, when the petitioners had already obtained patta in their name and they are also in possession of the subject property, then, the pendency of a civil suit will not be a bar for registering the settlement deed in respect of the said property.

13. Further, if the objectors are aggrieved over the registration of settlement deed, they are not supposed to file a protest petition and the only recourse available to them is to file a civil suit to declare the sale deed executed by petitioners' vendor as null and void.

14. That apart, the respondent has no power to decide with regard to the title held by the executant and reject the registration of any deed.



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In this regard, the law is very well settled by the Hon'ble Supreme Court vide the judgement in ***K.Gopi vs. The Sub-Registrars and others***, reported in, ***2025 SCC Online SC 740***. The relevant portion of the said judgment is extracted hereunder:

“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



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possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.”

15. Therefore, in view of the law laid down in the above judgement and for all the reasons stated above, this Court is inclined to set aside the refusal slip issued by the respondent. Accordingly, the refusal slip dated 09.09.2025 is hereby set aside. The respondent is directed to register the settlement deed dated 08.09.2025 executed by the petitioners in favour of their family members, if it is re-presented.

16. In the result, this writ petition is allowed. No cost.

24.09.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Sub Registrar
Karumathampatti Sro,
Coimbatore District



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KRISHNAN RAMASAMY.J.,

nsa

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