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W.P.No.39392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM:
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.39392 of 2025

P.Usha

... Petitioner

Vs.

1.The District Registrar,
District Register Office,
Krishnagiri District.

2.The Joint Sub-Registrar No.2,
Joint Sub-Registrar Office,
Krishnagiri,
Krishnagiri District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relevant to the order passed by the second respondent in RFL/2 Joint Sub-Registrar Krishnagiri/28/2025 dated 05.05.2025 quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby register the release deed dated 27.02.2025 presented by the petitioner.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.U.Baranidharan
Special Government Pleader



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ORDER

This writ petition has been filed to call for the records relevant to the order passed by the second respondent in RFL/2 Joint Sub-Registrar Krishnagiri/28/2025 dated 05.05.2025 quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby register the release deed dated 27.02.2025 presented by the petitioner.

2. Mr.U.Baranidharan, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

3. Learned counsel for the petitioner submitted that the properties comprised in S.Nos.237/3, 237/2 & 357, situated at Aalappatti Village, Krishnagiri Taluk and District belongs to petitioner's grandfather late C.Nagappan @ Nagakounder. After the demise of petitioner's grandfather, the said properties were enjoyed by petitioner's father viz., N.Perumal, who died on 17.03.2004. Thereafter, the petitioner's mother viz., Valli @ Valliyammal and her siblings viz., Uma, Lakshmi and Chella intend to release the right over the properties to the petitioner,



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after receiving an sum of Rs.4,00,000/- for the properties in S.Nos.237/2 and 237/3. Accordingly, the release deed was also executed on 27.02.2025. In order to register the same, the petitioner produced the release deed before the second respondent, however the same was refused to register by the second respondent and passed a refusal order dated 05.05.2025 in RFL/2 Joint Sub-Registrar Krishnagiri/28/2025, citing the reasons that the subject property stands in the name of Joint owners viz., C.Nagappan @ Nagakounder and C.Pachaiyappan and the petitioner has not produced the original legal heir certificate of Late C.Nagappan @ Nagakounder. Aggrieved over the said order dated 05.05.2025, the petitioner has come forward with the present writ petition.

4. After getting instruction, learned Special Government Pleader appearing for the respondents submitted that as per the law laid down by the Hon'ble Apex Court, the second respondent cannot refuse to register the documents, citing the reason that the original legal heir certificate was not produced. Particularly in the present case, he fairly submitted that the respondents insisted the petitioner to establish the title over the property, which as per the law laid down by the Hon'ble Apex Court is not permissible. Hence, he prays for appropriate orders.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. In the present case, the petitioner filed a documents to register the release deed executed by her mother and siblings. Admittedly, they are the legal heirs of Mr.Perumal, who is the sole legal heir of C.Nagappan @ Nagakounder (petitioner's grandfather). Now, this Court do not understand, why the second respondent is sitting on the aspect that the petitioner is supposed to produce the original Legal heir certificate of C.Nagappan @ Nagakounder to establish the title. In fact, in the present case, the petitioner's mother and her siblings are only releasing their right over the property in Survey Nos.273/3 and 237/2. Such being the case, it is totally unnecessary and unwarranted for the second respondent to insist the petitioner to produce the legal heirship certificate of her grandfather.

7. It is very important to note that the second respondent is not the authority to decide the title. It looks like, he is sitting as a person to decide the title, which is not the job of the second respondent. In this regard, the Hon'ble Apex Court in the case of ***K.Gopi Vs. The Sub-***



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Registrar & Others, in Civil Appeal No.3954 of 2025 as held as follows:

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“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.”



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8. This Court observes that the second respondent has to fairly look into the aspect, whether there is any dispute or the property not belongs to the person, who is executing the deed. In the event anybody raised objection, in such case the question of refusal to register the document come into picture. However, in the present case, no such objection was raised by anyone. Such being the case, this Court finds serious default on the decision taking process on the part of the second respondent.

9. In view of the foregoing reason, the impugned order passed by the second respondent in RFL/2 Joint Sub-Registrar Krishnagiri/28/2025 dated 05.05.2025 is not sustainable and the same is liable to be set aside. Accordingly, the said order is set aside. Consequently, this Court directs the second respondent to register the release deed dated 27.02.2025, immediately upon the re-presentation of the same by the petitioner.

Accordingly, this writ petition stands allowed. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order



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- To
- 1.The District Registrar,
District Register Office,
Krishnagiri District.
 - 2.The Joint Sub-Registrar No.2,
Joint Sub-Registrar Office,
Krishnagiri,
Krishnagiri District.

KRISHNAN RAMASAMY, J.

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