



W.P(MD)No.3107 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.3107 of 2025

S.Kannan

..Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Sivagangai,
Sivagangai District.

2.The Sub Registrar,
Sub Registrar Office,
Manamadurai,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the refusal check slip in RFL/Manamadurai/2/2025 dated 06.01.2025 issued by the 2nd respondent and quash the same as unlawful and unsustainable, consequently, to direct the 2nd respondent to register the proposed sale deed, dated 06.01.2025, as and when the same is presented by the petitioner.



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For Petitioner : Mr.P.Ranjithkumar

For Respondents : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

This writ petition is filed to quash the impugned refusal check slip in RFL/Manamadurai/2/2025 dated 06.01.2025 issued by the second respondent and to direct the second respondent to register the proposed sale deed, dated 06.01.2025, as and when the same is presented by the petitioner.

2. It is the case of the petitioner that one S.Sivaraman was the owner of several extents of properties, including Survey No.141/1 of Therku Santhanoor Village and Group, Manamadurai Taluk, Sivagangai District. On the strength of his ownership, he has also mutated the revenue records in his name. The petitioner pleads that the said Sivaraman had executed a deed of power of attorney in his favour for the purpose of upkeep and maintenance of the aforesaid property.

3. Being empowered by the power of attorney deed, on instructions from Mr.Sivaraman, the petitioner intended to sell the property to one K.Santhi Kannan, who is none other than his wife. He executed a sale deed and presented



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it for registration. This was rejected by way of the impugned refusal check slip.

WEB CHALLENGING the same, the present Writ Petition.

4. When the Writ Petition came up for admission, I pointed out to the learned counsel for the petitioner that being a sale on the strength of the deed of power of attorney, it is essential that the petitioner produces a life certificate of the Principal. The learned counsel submitted that he would produce the life certificate before this Court. Hence, the matter was adjourned.

5. When the matter was taken up for hearing on 18.02.2025, the learned counsel for the petitioner has produced a life certificate issued by Dr.R. Jegannathan, Senior Civil Surgeon, Government Hospital. Paramakudi, certifying to the effect that the Principal, Mr. Sivaraman is alive. A copy of the life certificate has also been given to the learned Government Advocate appearing for the respondents.

6. Mr.N.Ramesh Arumugam, learned Government Advocate states that on production of the life certificate, only one portion of the impugned order is addressed. He argues that there is yet another portion, namely, for the very same property, several other sale deeds have been registered, which exhaust the



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available land in the entire survey numbers. Hence, the Sub Registrar is of the

WEB COPY opinion that further document cannot be registered.

7.Mr.N.Ramesh Arumugam is right that the impugned order contained two portions. The first portion being the life certificate and the second portion being that there are other sale deeds covering the petition mentioned property. If I were to agree with Mr.Ramesh Arumugam, on his submission on the second portion, then I would be, in effect, holding that the Sub Registrar is entitled to probe into the issue of title and decide the extent available and the right of the person to execute the document.

8.Perusal of the written instructions given to the Government Advocate shows that alienation is said to have been made by one Muthukaruppan and Muthurakkuammal. The person from whom the petitioner purchased the property is one Sivaraman. He does not seem to be party to any of the documents, which the learned Government Advocate, refers to. The Sub Registrar is neither quasi-judicial authority nor he possesses the jurisdiction to go into title in terms of Rule 55 of the Registration Rules. Hence, the impugned refusal check slip in RFL/Manamadurai/2/2025 dated 06.01.2025 issued by the 2nd respondent is quashed. The second respondent, on production



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of the original of the life certificate before him, shall register the sale deed and

release the same.

9. Accordingly, this writ petition stands allowed. No costs.

19.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The District Registrar,
District Registrar Office,
Sivagangai,
Sivagangai District.

2. The Sub Registrar,
Sub Registrar Office,
Manamadurai,
Sivagangai District.



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V.LAKSHMINARAYANAN, J.

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