



W.A.(MD)Nos.319 and 1134 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)Nos.319 and 1134 of 2025
and
C.M.P.(MD)Nos.2461 and 7123 of 2025**

W.A.(MD)No.319 of 2025:-

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
Tirunelveli,
Tirunelveli District.

3.The Sub Registrar,
Palayamkottai,
Tirunelveli District.

... Appellants

Vs.

1.Kalaiselvi

2.Rajeswari

3.Resilin Raj

... Respondents



W.A.(MD)Nos.319 and 1134 of 2025

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.27665 of 2023 dated 23.09.2024 on the file of this Court.

For Appellants : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.S.Shaji Bino,
Spl. Government Pleader.

For Respondents : Mr.G.Mohan Kumar,
For Mr.S.Gokul Raj for R1.
Mr.T.Arul for R3.

W.A.(MD)No.1134 of 2025:-

Resilin Raj ... Appellant

Vs.

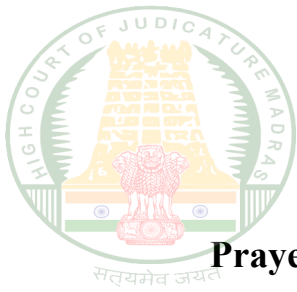
1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
Tirunelveli,
Tirunelveli District.

3.The Sub Registrar,
Palayamkottai,
Tirunelveli District.

4.Rajeswari

5.Kalaiselvi ... Respondents



W.A.(MD)Nos.319 and 1134 of 2025

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.27665 of 2023 dated 23.09.2024 on the file of this Court.

For Appellants : Mr.T.Arul

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.S.Shaji Bino,
Spl. Government Pleader for R1 to R3.
Mr.G.Mohan Kumar,
For Mr.S.Gokul Raj for R5.

COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.Resilin Raj executed sale deed dated 24.01.2023 in favour of one Kalaiselvi. It was presented for registration on 24.01.2023. Before the registration formalities could be concluded, objection was received from one Rajeswari. Citing the same, the registering authority namely, the Sub Registrar, Palayamkottai conducted enquiry and passed an order dated 29.04.2023 refusing to register the document. Challenging the same, Kalaiselvi filed W.P.(MD)No.27665 of 2023. The learned Single Judge



W.A.(MD)Nos.319 and 1134 of 2025

vide order dated 23.09.2024 quashed the order impugned in the writ petition and allowed the writ petition in the following terms:-

“3.The case of the petitioner is that the property in question was purchased by the petitioner. When the petitioner presented the sale deed for registration before the third respondent, the third respondent had registered the document and kept the same as pending document. Thereafter, the third respondent issued the refusal check slip stating that the vendor of the petitioner has no clear title over the subject property and the fourth respondent had given objection for registering the subject property as if the suit in O.S.No.730 of 2010 is pending with regard to the subject property. Challenging the same, this writ petition has been filed.

4.At the outset, the impugned order of refusal made by the third respondent cannot be sustained in the eye of law for the simple reason that the minimum enquiry requires to be done by the Sub Registrar under Section 34 of the Registration Act is only with regard to the identity of the persons entering in execution of the document and not beyond that. The Sub Registrar cannot venture into the title of the property and the registration cannot be denied. It is for the parties to work out their remedy before the competent civil Court by adducing valid documents in support of their contentions. Mere registration of the document will not give



WEB COPY



W.A.(MD)Nos.319 and 1134 of 2025

valid title. Therefore, the Registering authorities, having registered the documents and keeping the same as pending document cannot be sustained in the eye of law.

5.In view of the above, the order passed by the third respondent dated 29.04.2023 in Na.Ka.No.148/2023 is set aside and this writ petition is allowed. The third respondent is directed to register the sale deed presented by the petitioner within a period of one week from the date of receipt of a copy of this order. The parties shall establish their title in the pending suit. No costs. Consequently, connected miscellaneous petitions are closed.”

Aggrieved by the said order, these writ appeals have been filed.

3.We fail to understand as to how the department can feel aggrieved. The dispute is between the private parties concerned. The registering authority has absolutely no stake whatsoever in the matter. Therefore, on this sole ground, W.A.(MD)No.319 of 2025 is dismissed.

4.Resilin Raj, the executant of the sale deed has also challenged the order of the learned Single Judge on the ground that the entire sale consideration has not been paid. It is not in dispute that Resilin Raj had



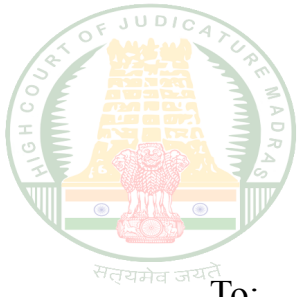
W.A.(MD)Nos.319 and 1134 of 2025

already filed O.S.No.388 of 2024 on the file of the IV Additional District Court, Tirunelveli for declaration that the sale deed is null and void. He had also sought alternative and additional reliefs. We are of the view that factual disputes raised by the appellant namely, Resilin Raj have to be necessarily adjudicated only in the civil suit. It is also seen that he has filed criminal case. Resilin Raj can very well pursue the said remedy also. We direct the learned IV Additional District Judge, Tirunelveli to dispose of O.S.No.388 of 2024 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

5.W.A.(MD)No.1134 of 2025 is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
01.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.A.(MD)Nos.319 and 1134 of 2025

To:
WEB COPY

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The District Registrar,
Tirunelveli,
Tirunelveli District.
- 3.The Sub Registrar,
Palayamkottai,
Tirunelveli District.

Copy to:

The IV Additional District Court,
Tirunelveli.



WEB COPY



W.A.(MD)Nos.319 and 1134 of 2025

G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

ias

W.A.(MD)Nos.319 and 1134 of 2025

01.08.2025