

W.P.(MD)No.3922 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3922 of 2025

Paramasivam

... Petitioner

VS.

The Joint Sub-Registrar No-I,
Karaikudi, Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent in refusal No.RFL/1 எண் இணை சார்பதிவாளர் காரைக்குடி/22/2024 and the memorandum No.22/2024 dated 30.12.2024 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 30.12.2024 presented by the petitioner for registration within a time frame.

For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader



W.P.(MD)No.3922 of 2025

ORDER

WEB COPY

Challenging the refusal check slip issued by the respondent/ Joint Sub-Registrar No.I, Karaikudi, this writ petition is filed.

2. The properties situated in S.Nos.107/2 and 107/5 of Alagapuri Village, Karaikudi Taluk, Sivagangai District, belonged to one Periyannayagi. On her death, her son one Kumarappan succeeded to the estate. Kumarappan's son one Ramachandran feeling aggrieved over the said fact, objected to the revenue officials. He succeeded. The revenue authorities granted a joint patta in the name of Kumarappan and Ramachandran. Ramachandran gave a power of attorney to the writ petitioner/Paramasivam. The property was thereafter dealt with in favour of one Manoharan. On the strength of the sale, joint patta was granted in the name of Kumarappan, Manoharan and Paramasivam.

3. Subsequently, Kumarappan filed a suit in O.S.No.129 of 2012 on the file of the Additional District Munsif at Karaikudi seeking for declaration and for consequential reliefs. The defendants in the suit were his son, Ramachandran and Paramasivam and one Manoharan. After

2/7

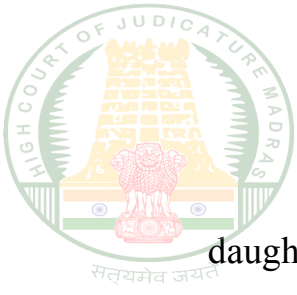


W.P.(MD)No.3922 of 2025

contest, the suit came to be dismissed by the learned District Munsif on 09.03.2020.

4. Thereafter, the wife of one Venkatachalam, namely, Thirumathi.Saroja presented a suit in O.S.No.658 of 2022 on the file of the learned District Munsif at Karaikudi, seeking for a declaration that the deeds stood in favour of Manoharan and Paramasivam are null and void. The suit was originally decreed *ex-parte* and in application filed to set aside the *ex-parte*, the decree was also set aside. Subsequently, the matter was referred to the District Mediation Centre at Karaikudi. The Mediator was appointed by the centre, who convinced the parties to settle the issue. The settlement was arrived at and all disputes and difference between Saroja, Paramasivam and Manoharan got settled on 12.09.2024. This compromise decree was also registered on the file of the Sub-Registrar at Karaikudi.

5. The petitioner attempted to alienate the property in favour of one Ramu. This document was not registered and rejected under the impugned check slip stating that Periyamayaki had left behind her



W.P.(MD)No.3922 of 2025

daughter, by name, Alagammai and as her share had not been dealt with either in the suit or in other proceeding, he was not inclined to register the said document. Hence, this writ petition.

6. I have heard Mr.D.Venkatesh for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader, who takes notice for the respondent.

7. Mr.D.Venkatesh argued that it is not the role of the Sub-Registrar to deal with *inter se* rights between the parties. This is especially so when the dismissal of the suit by the brother of Alagammai and compromise deed entered by Thirumathi.Saroja, are available with the Joint Sub-Registrar.

8. Per contra, Mr.R.Suresh Kumar, urges that it is only in order to avoid any fraudulent documents, the Joint Sub-Registrar had passed the impugned order.



W.P.(MD)No.3922 of 2025

9. I have carefully considered the records and I have carefully considered the submissions of both sides.

10. The role of Sub-Registrar is not to investigate into the matters of title. In terms of Rule 55 of the Registration Rules framed by the State of Tamil Nadu under Section 69 of Registration Act, 1908, it has been made extremely clear that it is not the duty of the registering officer to enquire into title. It has consistently been interpreted by this Court to hold that a Sub-Registrar is not a quasi judicial authority to declare the rights of the parties. The scope and extent of the enquiry by the Sub-Registrar is circumscribed by clause (a) to (e) of Rule 55 of the Registration Rules. This Rule does not empower the Sub-Registrar to question as to why other legal representatives or heirs of the vendor's predecessor in title were not included as executants to the said document.

11. If Alagammai has any right, title or interest over the property, it is always open to her to present a suit claiming her share. The Joint Sub-Registrar 1, Karaikudi, need not act as a caveator to represent the interest of the said Alagammai.



W.P.(MD)No.3922 of 2025

WEB COPY 12. As the impugned check slip is beyond the jurisdiction conferred on the respondent, it has to be interfered with. Accordingly, this Writ Petition is allowed and the impugned refusal check slip in refusal No.RFL/1 எண் இணை சார்பதிவாளர் காரைக்குடி/22/2024 and the Memorandum No.22/2024 dated 30.12.2024 are set aside. There shall be a direction to the respondent to register the document presented on 30.12.2024 by the petitioner and release the document without any further delay. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

18.02.2025

To

The Joint Sub-Registrar No-I,
Karaikudi, Sivagangai District.



WEB COPY



W.P.(MD)No.3922 of 2025

V. LAKSHMINARAYANAN, J.

Rmk

W.P.(MD)No.3922 of 2025

18.02.2025