

W.P.(MD)No.4422 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.4422 of 2025

and

W.M.P.(MD) No.3181 of 2025

R.Rathnaraj

... Petitioner

vs.

1.The Sub Registrar,
Thiruverumbur Sub Registrar,
Thiruverumbur,
Trichy District.

2.M.Natarajan (died)

3.N.Pachaiammal

4.N.Murali

5.Malarvizhi

6.Selvarani

7.Kalarani

8.N.City Babu

9.Meenatchi

10.N.Ilaiyaraja

*(R3 to R10 have been impleaded vide
order dated 28.03.2025)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in Refusal No. RFL/Thiruvarambur/43/2025 dated 11.02.2025 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to register the petitioner's sale deed dated 11.02.2025 in Temporary Registration No.TP/209465138/2025 and release the same after completion of registration, within time frame as stipulated by this Court.

For Petitioner :Mr.B.Prasanna Vinoth
For R1 :Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner seeks for the following relief:-

“Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in Refusal No. RFL/Thiruvarambur/43/2025 dated 11.02.2025 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to register the petitioner's sale deed dated 11.02.2025 in Temporary Registration No.TP/209465138/2025 and release the same after completion of registration, within time frame as stipulated by this Court. ”



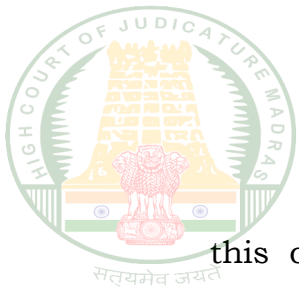
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2.The petitioner states that he purchased the property in S.F.No.133/1 at Sri Valampuri Nagar, Sooriyur Village, Thiruverumbur Taluk, Trichy District on 28.05.2007. The sale was registered in Doc.No.3915/2007. The vendor was one Manian Navalankiyar, S/o.Vadivel Navalankiyar. The property was alienated by the aforesaid Manian Navalankiyar, through his registered power of attorney, Tamilarasi. The power too was registered in Doc.No. 158/1994 on 06.10.1994.

3.The petitioner entered into a sale agreement with one Amirudeen on 10.02.2025 and presented the agreement of sale with the first respondent. The first respondent refused to register the same on the ground that the second respondent had objected to the same. Pending the proceedings, the second respondent died. Hence, his legal heirs have been impleaded as respondents 3 to 10.

4.According to the second respondent, Manian Navalankiyar had passed away on 08.03.1997 atleast 10 years before the sale deed was executed in favour of the petitioner on 28.05.2007. He pleaded that as the principal had passed away, the sale could not have been executed by Tamilarasi in favour of the writ petitioner. Considering



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this objection, the check slip was issued by the first respondent.

WEB COPY Hence, this writ petition.

5.I heard Mr.R.Prasanna Vinoth for the petitioner and Mr.N.Ramesh Arumugam for the first respondent. The respondents 3 to 10 though served, neither appeared in person nor have engaged any counsel to oppose the writ petition.

6.The objection that was raised by the deceased second respondent is that as his father, Manian Navalankiyar, had passed away, the power of attorney had come to an end. This objection literally raises issues of title. Whether Tamilarasi had received the power of attorney with an interest in the property or whether it was the power of attorney simpliciter cannot be decided by the Sub Registrar. Interpreting Rule 55 of the Registration Rules, the Supreme Court in **K.Gopi v. Sub-Registrar & Others, 2025 SCC Online SC 740**, had held as follows:-

“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

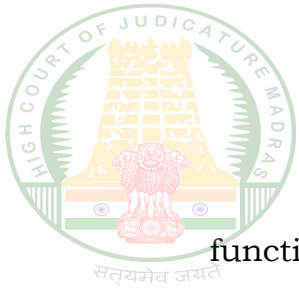


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of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of 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.”

7. When the first respondent is incompetent to enter into the disputed question of title, it is not open to him to issue a refusal check slip. The petitioner has been in occupation of the property from 2007 onwards and the issue as regards title cannot be entertained by the Sub Registrar after a lapse of 18 years. The civil Courts are



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functioning in Tiruchirappalli District and they are competent to declare whether the petitioner or the second respondent has title.

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8.In the light of the above, the impugned order is quashed. There shall be a direction to the first respondent to register the agreement of sale executed by the writ petitioner in favour of Amirudeen on 10.02.2025 within a period of two weeks from the date of uploading of a copy of this order.

9.In fine, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

28.04.2025

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To

The Sub Registrar,
Thiruverumbur Sub Registrar,
Thiruverumbur,
Trichy District.



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V. LAKSHMINARAYANAN, J.

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