

W.P(MD)No.4615 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4615 of 2025

1.C.Palanisamy
2.C.Pandikumar

..Petitioners

Vs

The Sub Registrar,
Singampunari,
Sivagangai District.

..Respondent

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 records relating to the impugned refusal check slip of the respondent in RFL/Singampunari/16/2025 dated 30.01.2025 and quash the same and consequently direct the respondent to register the sale deed dated 30.01.2025 executed by the 1st petitioner in favour of the 2nd petitioner and release the same within the time frame fixed by this Court.



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W.P(MD)No.4615 of 2025

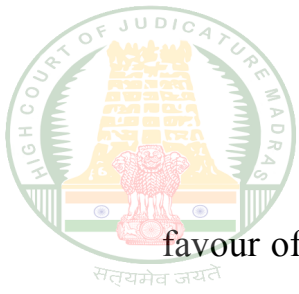
For Petitioner : Mr.M.Subbiah for Mr.H.Arumugam

For Respondent : Mr.R.Sureshkumar
Addl. Govt. Pleader

ORDER

The writ petition is filed seeking to quash the impugned refusal check slip of the respondent in RFL/Singampunari/16/2025 dated 30.01.2025 and to direct the respondent to register the sale deed dated 30.01.2025 executed by the first petitioner in favour of the second petitioner and release the same within the stipulated time.

2.The first petitioner claims that he is the owner of the property measuring an extent of 7 acres 25 cents and 2 acres and 38 cents respectively, situated at S.Nos.5/1B & 6 in Muraiyur Village, Singampunari Taluk, Sivagangai District. These properties were purchased by his father on 04.08.1966, 20.12.1967 and 17.04.1968. The first petitioner's father, Chinniah passed away on 26.08.1991, leaving behind the first petitioner and his sister Palaniammal to succeed to the estate. The petitioner pleads that in a partition that took place between him and his sister Palaniammal, the property situated in S.No.5/1A was allotted to the said Palaniammal and she had sold the property. With respect to the other portion, the first petitioner alienated the same in



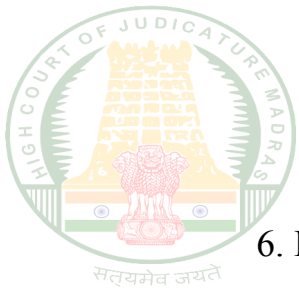
W.P(MD)No.4615 of 2025

favour of the second petitioner and executed a sale deed on 30.01.2025. When the said document was presented for registration, the Sub Registrar, by the impugned order dated 30.01.2025, has refused to receive the document on the ground that the death certificate of Chinniah and the legal heir certificate had not been enclosed and further, the petitioner has no valid title to the property.

3. I heard Mr.M.Subbiah for Mr.H.Arumugam for the petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent.

4. Mr.M.Subbiah drew my attention to pages Nos.53 and 54 of the typed set of papers, pointing out that the death certificate as well as the legal heir certificate of the deceased Chinniah had been placed before the Sub Registrar. He points out that the Sub Registrar has no jurisdiction to enquire into the question of title by relying upon the judgment in *Satya Pal Anand vs. State of M.P (2016)10 SCC 767* and on Rule 55 of the Registration Rules.

5. Per contra, Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent states that as there is a doubt in the mind of the Sub Registrar regarding title, he passed the impugned order.



W.P(MD)No.4615 of 2025

6. I have carefully considered the submissions of both sides.

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7. Rule 55 of the Registration Rules makes it clear that it is not the business of the Sub Registrar to probe into the questions of title. A perusal of the impugned order shows that aggrandizing himself the power of the civil court, the Sub Registrar of Singampunari has passed the impugned order stating that the executant has no valid title over the property. It is not the job of the Sub Registrar. If the Sub Registrar wants to grant declaratory relief, he should resign his job as Sub Registrar, participate in a competitive examination, and become a civil Judge to grant such a kind of decree. Holding his present office, he has absolutely no right or jurisdiction to pass such an order. Furthermore, the legal heir certificate and the death certificate of the deceased Chinniah had enclosed along with the deed. However, the Sub Registrar has ignored the same and passed the impugned order, which is absolutely unacceptable.

8. A Government is not registering the document free of cost, but it is charging a fee from the executant for registering the document. When money is being received by the Sub Registrar, he is expected to perform his statutory duties after perusing the papers. The impugned order not only lacks



W.P(MD)No.4615 of 2025

jurisdiction, but also suffers from patent non-application of mind. Hence, it

cries out of to be set aside.

9. In the light of the above discussion, this writ petition is allowed and the impugned refusal check slip issued by the respondent in RFL/Singampunari/16/2025 dated 30.01.2025 is set aside. There shall be a direction to the respondent to register the sale deed dated 30.01.2025 executed by the first petitioner in favour of the second petitioner and release the same within a period of two weeks from the date of receipt of a copy of this order.

10. Post the matter after two weeks for reporting compliance.

21.02.2025
(1/2)

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

To

The Sub Registrar,
Singampunari,
Sivagangai District.



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W.P(MD)No.4615 of 2025

V.LAKSHMINARAYANAN, J.

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Writ Petition(MD)No.4615 of 2025

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