



W.P.(MD)No.4897 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4897 of 2025

Sheik Mansoor

... Petitioner

VS.

The Sub Registrar,
Melappalayam Sub Registrar Office,
Melapalayam, Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to register the settlement deed, dated 29.01.2025 executed by the petitioner which is relating to the property of house site and house in D.No.25, Ward No.37, Mylakadar Street, admeasuring 1.58 cents situated at Melapalayam, Palayamkottai Taluk, Tirunelveli Corporation.

For Petitioner :Mr.T.Srinivasan
For Respondent :Mr.P.T.Thiraviam
Government Advocate



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ORDER

The petitioner states that he is the owner of the property situated at Door No.25, Mylakadar Street, Melapalayam, Palayamkottai Taluk, Tirunelveli District. He had obtained the property by virtue of a registered document in Doc.No.8519/2024, dated 28.09.2024.

2.He proposed to settle the property in favour of his wife, Jameela. The settlement deed presented was refused to be registered. Hence, this Writ Petition.

3.When the matter came up for admission, Mr.P.T.Thiraviam, learned Government Advocate took notice for the respondent. He brings to my notice that earlier, a person, who has an adverse claim as against the petitioner, one Basheer Mydeen, had filed W.P.(MD)No.14193 of 2022. That Writ Petition was allowed on 25.09.2024 specifically stating that mere registration of the document will not give absolute title or take away the right of the parties.



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4.Mr.P.T.Thiraviam, also points out that the petitioner had presented a document on 30.09.2024. The said document was rejected on the ground that the petitioner has no title to the property. Challenging the same, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No.23948 of 2024. This Court, by order, dated 14.10.2024, following the case of *Subramani vs the Sub Registrar and another [W.P.No.11056 of 2024, dated 26.04.2024]*, held that it is not the concern of the Sub Registrar to enquire into the title and consequently, allowed the Writ Petition. He further submits that it is only in order to avoid any double documentation, that the Sub Registrar has refused to register the settlement deed.

5.I heard Mr.T.Selvan for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondent.

6.The aforesaid orders of this Court show that this Court has specifically held that by the very fact that a document has been registered by one person in favour of another, it does not mean that there is a valid transfer of title or that the alleged transferor has title to the property.



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Registration of the settlement deed, having been preceded by an earlier order in W.P.(MD)No.23948 of 2024, dated 14.10.2024, I am of the view that Mandamus sought for by the Writ Petitioner has to be granted. The Writ Petition is ordered. The respondent is directed to receive the settlement deed and register the same, if it is otherwise in order. No costs.

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

24.02.2025

cmr

To

The Sub Registrar,
Melappalayam Sub Registrar Office,
Melappalayam, Tirunelveli.



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V. LAKSHMINARAYANAN, J.

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