



W.P(MD)No.5158 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5158 of 2025

Velayutham

..Petitioner

Vs

The Sub Registrar,
Alangulam,
Tenkasi District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal slip in RFL/Alangulam/60/2024 dated 03.12.2024 quash the same and consequently direct the respondent herein to register the above settlement deed dated 03.12.2024 executed by the petitioner.

For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mr.R.Sureshkumar
Addl. Govt. Pleader



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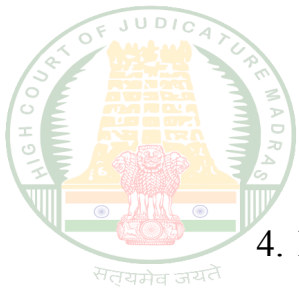
ORDER

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The writ petitioner seeks to quash the impugned refusal slip in RFL/Alangulam/60/2024 dated 03.12.2024, and to direct the respondent herein to register the settlement deed dated 03.12.2024, executed by the petitioner.

2. The petitioner states that his father, one Subramania Nadar was the owner of the property comprised in S.No.466 situated at Pudupatti Village, Alangulam Taluk, Tenkasi District. In addition to the holding that he got from his father, the petitioner also purchased a certain extent of land and has been in enjoyment and possession of the same. The petitioner decided to settle the property in favour of his son, Ramesh. He executed a settlement deed dated 03.12.2024. When the document was presented for registration, the respondent/Sub Registrar refused to register the same and passed the impugned order. The ground of refusal is that the revenue records relating to the property had not been enclosed by the petitioner. Challenging the same, the present writ petition.

3. I have heard Mr.G.Thalaimutharasu, for the petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent.



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4. Mr.G.Thalaimutharasu states that neither the Registration Act nor the Rules made therein stipulate as a condition precedent production of revenue records before the Sub Registrar for registration.

5. Mr.R.Sureshkumar states that by virtue of the circular issued by the Inspector General of Registration, it has become mandatory.

6. In *the Federal Bank Ltd., Coimbatore and others vs. Sub Registrar, Pollachi, W.P.No.2758 of 2023 dated 08.02.2023*, a learned Single Judge of this Court held that it is not open to the Sub Registrar to demand revenue documents as a condition precedent for registration, unless and until such document are backed by the Rules made thereunder. In fact, accepting the verdict in the *Federal Bank case*, the Registration Department has also issued a Circular that the Sub Registrar cannot insist upon the prior documents or revenue records as a condition for registration. I should note here that the order passed in the *Federal Bank case* was challenged by the Registration Department and it was set aside only insofar as the declaration made by the learned Single Judge that Rule 55-A of the Tamil Nadu Registration Rules is unconstitutional. In all other aspects, the judgment had been upheld. Neither the Act nor the Rules contemplate the Sub Registrar for demanding revenue records, prior to registration of documents.



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WEB COPY 7. In the light of the above discussion, the impugned refusal slip in RFL/Alangulam/60/2024 dated 03.12.2024 issued by the respondent is quashed and the writ petition is allowed. The respondent shall register the settlement deed presented by the petitioner, dated 03.12.2024, within a period of two weeks from the date of receipt of a copy of this order. No costs.

26.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

The Sub Registrar,
Alangulam,
Tenkasi District.



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V.LAKSHMINARAYANAN, J.

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