



W.P(MD)No.5805 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5805 of 2025

Murali

..Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar,
Valliyur,
Tirunelveli 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 the records pertaining to the impugned Refusal Slip in Refusal Number. RFL/Valliyur/10/2025 dated 26.02.2025 issued by the respondent and quash the same as illegal and arbitrary and consequently direct the respondent to register the settlement deed dated 18.02.2025 presented by the petitioner for registration within the time fixed by this Court.

For Petitioner : Mr.P.Suresh
For Respondent : Mr.P.T.Thiraviam
Govt. Advocate



W.P(MD)No.5805 of 2025

ORDER

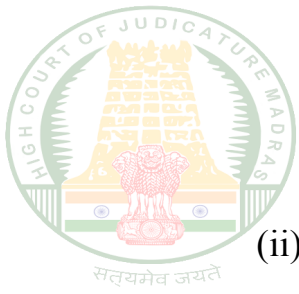
WEB COPY

The petitioner seeks to quash the impugned Refusal Slip in Refusal Number. RFL/Valliyur/10/2025 dated 26.02.2025 issued by the respondent and to direct the respondent to register the settlement deed dated 18.02.2025 presented by the petitioner for registration.

2. The petitioner states that the property to an extent of 1 acre 43.66 cents comprised in S.No.546/1A1A situated at Achampadu Village, Radhapuram Taluk, Tirunelveli District belonged to one Palaiya. The said Palaiya died on 08.02.2010. He left behind as legal heirs, one Seethalakshmi, the petitioner, and his brother, Kalaiyaran. Seethalakshmi executed a release deed, releasing her share in the property of Palaiya, on 23.03.2011. This document is registered as Doc. No.1353 of 2011 on the file of the respondent.

3. The petitioner pleads that he decided to settle the property, that devolved on him, in favour of his wife Annalakshmi. He presented the document on 26.02.2025. The document was refused to be registered under the impugned check slip for the following reasons:

(i) the property has not been partitioned between the petitioner and his brother Kalaiyaran;



W.P(MD)No.5805 of 2025

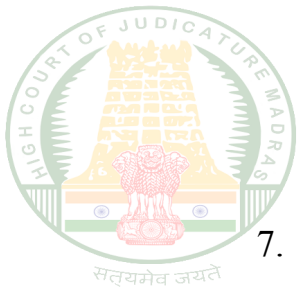
(ii) revenue records have not been mutated by showing four boundaries

of the property allotted to the petitioner.

4. Heard Mr.R.Suresh for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondent.

5. Narration of facts shows that the petitioner claims a share in the property. He is entitled to alienate his share in favour of anyone, including his wife. It does not fall within the jurisdiction of the Sub Registrar to give an opinion that the settlement deed can be executed only after partition between brothers. Even without a partition, a person is entitled to alienate a share in favour of any person of his choice.

6. Rule 55 of the Registration Rules does not contemplate the Registrar to enquire into matters of title. The scope of enquiry is limited. The Sub Registrar is not a quasi-Judicial authority either. Mere registration of the settlement deed would not deprive of any right of a third party over the property, in case, he has any. Let the Sub Registrar not act as caveator for the brother.



W.P(MD)No.5805 of 2025

7. Apart from that, there is no requirement for revenue records to be perused at the time of registration.

8. In the present case, the property belongs to the petitioner's father, and the petitioner has succeeded on account of the intestate succession. Both the reasons given by the respondent are beyond the scope of his jurisdiction. Hence, the impugned order is quashed. This writ petition is allowed. The respondent shall register the document executed by the petitioner in favour of his wife dated 18.02.2025 within a period of two weeks. No costs.

9. Call the matter on 27.03.2025 for reporting compliance.

05.03.2025

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

To
The Sub Registrar,
Office of the Sub Registrar,
Valliyur,
Tirunelveli District.



WEB COPY



W.P(MD)No.5805 of 2025

V.LAKSHMINARAYANAN, J.

skn

Writ Petition(MD)No.5805 of 2025

05.03.2025