



W.P(MD)No.6440 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.6440 of 2025

1.Abdul Khadar

2.Ayupkhan

3.Ansari

4.Abuthahir

... Petitioners

Vs.

1.The Sub Registrar,  
The Sub Registrar Office,  
Thisayanvilai,  
Tirunelveli District.

2.Saritha Beevi

... Respondents

*(R-2 is impleaded vide Court order, dated 14.03.2025 in  
W.M.P(MD)No.5369 of 2025 in W.P(MD)No.6440 of  
2025)*

**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 check slip Number: RFL/Joint Sub-



**W.P(MD)No.6440 of 2025**

Registrar/Thisaiyanvilai/12/2025, dated 25.02.2025 on the file of the respondent herein and quash the same and consequently directing the respondent herein to register the sale deed, dated 25.02.2025 executed by the petitioners to an in favour of his L.Sumathi and K.Mukila within the time stipulated by this Court and pass such further or other orders as this Court.

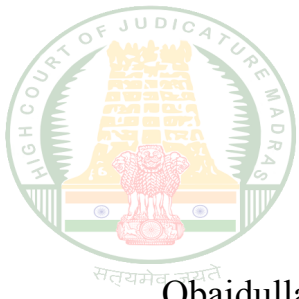
For Petitioners : Mr.K.Rajeshwaran  
For R-1 : Mr.N.Ramesh Arumugam  
Government Advocate  
For R-2 : Mr.Ammaaar  
for Mr.J.Pooventhera Rajan

### **ORDER**

Heard Mr.K.Rajeshwaran for the petitioner, Mr.N.Ramesh Arumugam for the first respondent and Mr.Ammaaar for Mr.J.Pooventhera Rajan for the second respondent.

2. The petitioners challenge the refusal check slip issued by the first respondent on 25.02.2025.

3. The petitioners claim that the property situated in S.No.86/11 of Muthumothanmozhi, Thisaiyanvilai, Tirunelveli District belonged to one



**W.P(MD)No.6440 of 2025**

WEB COPY

Obaidulla. The said Obaidulla executed a settlement deed in favour of the petitioners in the year 2009. The said document was registered as document No. 2549/2009. The petitioners also mutated the revenue records in their favour and obtained a patta bearing patta No.348.

4. The petitioners state they decided to alienate the property in favour of one L.Sumathi and K.Mukila. Accordingly, they executed a sale deed on 25.02.2025 and presented the same for registration. However, the Sub Registrar refused to register the document on the ground that the second respondent had raised an objection. Hence, this writ petition.

5. As per the Registration Act and the Rules made thereunder, there are specific Sections and Rules under which a Sub Registrar can refuse registration. They are found under Sections 22A and 22B of the Registration Act, 1908 and Rule 162 of the Registration Rules. None of these provisions contemplate a situation where a document presented for registration can be refused to be registered on the ground there is an objection by a third party. In terms of Rule 55 of the Registration Rules, it is not the job of the Sub Registrar to probe into



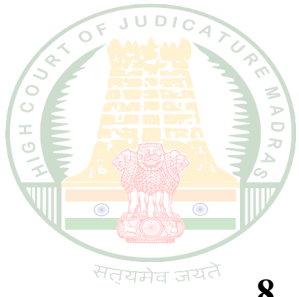
W.P(MD)No.6440 of 2025

WEB COPY

questions of title or to investigate which party has title to the property. That issue is to be adjudicated by the jurisdictional civil Court.

6. The refusal to register the document on the ground that the second respondent had objected to the same is not supported either by the statute or by the rules made thereunder. Consequently, the impugned check slip is set aside. There shall be a direction to the first respondent to register the sale deed executed by the petitioners in favour of L.Sumathi and K.Mukila.

7. Insofar as the right of the second respondent is concerned, it will not be affected by the mere registration of a sale deed executed by the petitioners in favour of the aforesaid persons. If the petitioners have no title to the property by the virtue of registering a sale deed, it will not automatically confer title on the purchasers. A purchaser can acquire title to the property only if the vendor has valid title. The second respondent, the purchasers, or the petitioners are at liberty to approach the jurisdictional civil Court to work out their rights in accordance with law.



**W.P(MD)No.6440 of 2025**

WEB COPY

**8.** This writ petition stands allowed with the above said terms. There shall be no order as to costs.

**28.03.2025**

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

To

The Sub Registrar,  
The Sub Registrar Office,  
Thisayanvilai,  
Tirunelveli District.



WEB COPY



**W.P(MD)No.6440 of 2025**

**V.LAKSHMINARAYANAN, J.**

BTR

**W.P(MD)No.6440 of 2025**

**28.03.2025**