

W.P(MD)No.6479 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.6479 of 2025

M.Khadheroli

..Petitioner

Vs

1.The District Registrar (Administration),
Madurai North,
Office of the District Registrar,
Rajagambeeram,
Y.Othakadai,
Madurai – 625 107.

2.The Joint Sub Registrar No.1,
Madurai North,
Office of the Sub Registrar,
Rajagambeeram,
Y.Othakadai,
Madurai – 625 107.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent to register further document in the property comprised in Survey No.19/17A standing Revenue Patta No.404 in the names of the previous owner of Narasingam Bit III village, Madurai East Taluk, Madurai on the basis of the Document No. 3401 of 2007 dated 11.5.2007 and Document No.964 of 2008 dated 7.2.2008 based on the petitioner's representation dated 21.2.2025.



WEB COPY



W.P(MD)No.6479 of 2025

For Petitioner : Mr.V.Baskaran
For Respondents : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the second respondent to register further document in the property comprised in Survey No.19/17A standing Revenue Patta No.404 in the names of the previous owner of Narasingam Bit III village, Madurai East Taluk, Madurai, on the basis of Document No.3401 of 2007 dated 11.05.2007 and Document No.964 of 2008 dated 07.02.2008, based on his representation dated 21.02.2025.

2. The petitioner claims that one V.Somasundaram Pillai was an owner of the property situated in Old S.Nos.123/17A and 123/17B of Narasingam Bit III Village, Madurai East Taluk, Madurai District. The said V.Somasundaram Pillai and other co-owners executed a deed of Power of Attorney in favour of one S.Sukumaran. The deed of Power of Attorney is a registered one. Pursuant to the said Power of Attorney, the said Sukumaran alienated the property to an extent of 25 cents out of 50 cents in favour of one Ganeshkumar on 11.05.2007. The petitioner had purchased the remaining 25 cents on 07.02.2008 vide Doc. No.964 of 2008. The petitioner states that for the very same Old S.No.123/4 corresponding to S.Nos.19/17A, 19/17B with an extent of 52 cents had been



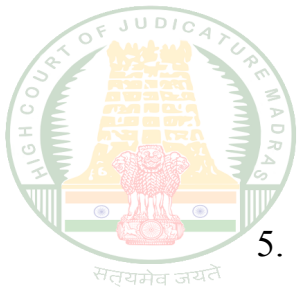
W.P(MD)No.6479 of 2025

purchased by one Madasamy from one Balamurugan. This was document No.

2234 of 1995. The petitioner pleads that after the alienation made by Balamurugan to Madasamy, the said Somasundaram Pillai and others had executed the deed of Power of Attorney in favour of Sukumaran. Sukumaran had sold the property to Ganeshkumar and to the writ petitioner.

3. The petitioner pleads that he approached the second respondent/Sub Registrar for the purpose of executing a sale deed. The second respondent has not entertained his plea on the ground that for the very same survey number, there is an existing document in Doc. No.2234/1995. Hence, this writ petition for Mandamus to direct the second respondent to entertain the sale deed that will be presented by the petitioner for the property purchased by him from Sukumaran as Power of Attorney for Somasundaram Pillai and others.

4. When the matter came up for admission, Mr.N.Ramesh Arumugam, learned Government Advocate produced written instructions that had been obtained from the Sub Registrar. The Sub Registrar has stated that for the very same survey number, as an earlier document had already been registered, he is not in a position to entertain a fresh document for the said survey number.



W.P(MD)No.6479 of 2025

5. Mr.V.Baskaran states that the survey number for his property is **WEB 123/17A** and 123/17B, which corresponds to New S.Nos.19/17A and 19/17B, whereas the property purchased by Madasamy is comprised in S.No.123/4 with a corresponding entry in UDR Survey Nos.19/17A and 19/17B. He states that the original survey number shows that the properties are two different properties.

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

7. In terms of Rule 55 of the Registration Rules, it is not the role of the Sub Registrar to deal with the title. Mere registration of a document does not mean that there is a transfer of title. If the vendor has no title to the property, by the mere fact of registration, the purchaser will not get an inch of right over the property. Furthermore, double entry of documents is not the look out of the Sub Registrar. In case of dispute, the parties will approach the jurisdictional civil court to settle their rights. The Sub Registrar need not act as a caveator for the person who has not opposed registration at all.

8. In the light of the above discussion, the writ petition is ordered. The second respondent/Sub Registrar shall entertain any document presented by the



W.P(MD)No.6479 of 2025

petitioner on the basis of the purchase in Doc. No.964/2008 dated 07.02.2008.

WEB COPY No costs.

11.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To
The Sub Registrar,
Nanguneri Sub Registrar Office,
Nanguneri,
Tirunelveli District.



WEB COPY



W.P(MD)No.6479 of 2025

V.LAKSHMINARAYANAN, J.

skn

Writ Petition(MD)No.6479 of 2025

11.03.2025