



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 9488 of 2025

and

W.M.P(MD)Nos. 7087 & 7088 of 2025

P.Mohan

... Petitioner

VS.

1. The Sub Registrar,
Thallakulam Sub Registrar Office,
Madurai.

2. Mallika

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the impugned communication passed by the 1st respondent under Receipt No.1168/2024 dated 12.03.2024 and to quash the sale as illegal and further direct the 1st respondent to register and release the Sale Agreement dated 12.03.2024 executed by the petitioner under Document No.P/Thallakulam/19/2024.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.G.Suriya Ananth,
Additional Government Pleader, for R-1

No appearance – for R-2



ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned communication dated 12.03.2024 and further direction to the 1st respondent to register and release the Sale Agreement dated 12.03.2024.

2. Even though this Court issued notice to the 2nd respondent, she has not appeared either in person or through counsel.

3. The contention of the petitioner is that one B. Babu Rajkumar intended to sell the property to the petitioner through a Will. The executor of the Will has since passed away, and the Will has come into effect. However, the 2nd respondent is claiming rights over the property of the deceased, Nagamuthammal. Accordingly, the 2nd respondent submitted an objection before the 1st respondent. Based on this objection, the 1st respondent issued the impugned communication, stating that an enquiry is pending.

4. It is a settled proposition of law that the registering authority cannot decide the title of a property. In support of this, the petitioner has relied on the Judgment of the Hon'ble Supreme Court reported in **2025 LiveLaw (SC) 402, in the case of K. Gopi vs. The Sub-Registrar & Ors.** The relevant paragraph



No. 15 is extracted hereunder:

....

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15. The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer”.

4. Therefore, this Court is of the considered opinion that the 1st respondent cannot keep the matter pending.

5. Accordingly, this Writ petition is allowed. The impugned

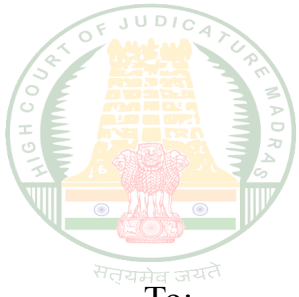


communication passed by the 1st respondent under Receipt No.1168/2024 dated 12.03.2024, is hereby quashed. The 1st respondent is directed to register the sale deed within a period of four weeks from the date of receipt of a copy of the order. No Costs. this Writ petition is Allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

18.06.2025

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

KSA



To:

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The Sub Registrar,
Thallakulam Sub Registrar Office,
Madurai.



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No. 9488 of 2025**

DATED :18.06.2025