



W.P.(MD)No.10540 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.(MD)No.10540 of 2025

Veilmuthu

... Petitioner

vs.

The Sub Registrar,
North Veeravanallur Sub Registrar Office,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Refusal Check Slip in Refusal Number RFL/North Veeravanallur/16/2025 dated 29.03.2025 was issued by the respondent and quash the same as illegal and consequently to direct the respondent to register the sale deed dated 29.03.2025 in respect of the property in Ayan Punja Survey No.3/1 to the extent of 5 cents out of 24 cents from total extent of 1.56 acre situated at South Veeravanallur - I Village, Cheranmahadevi Taluk, Tirunelveli District within a stipulated period as framed by this Court.

For Petitioner :Mr.A.Sankararamasubramanian

For Respondent :Mr.P.T.Thiraviyam
Government Advocate



W.P.(MD)No.10540 of 2025

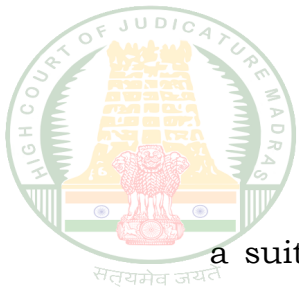
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ORDER

The petitioner seeks for the following relief:

“Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Refusal Check Slip in Refusal Number RFL/North Veeravanallur/16/2025 dated 29.03.2025 was issued by the respondent and quash the same as illegal and consequently to direct the respondent to register the sale deed dated 29.03.2025 in respect of the property in Ayan Punja Survey No.3/1 to the extent of 5 cents out of 24 cents from total extent of 1.56 acre situated at South Veeravanallur - I Village, Cheranmahadevi Taluk, Tirunelveli District within a stipulated period as framed by this Court.”

2.The petitioner states that the property situated in S.No.3/1 of South Veeravanallur-1 Village, Cheranmahadevi Taluk, Tirunelveli District, belongs to one Sankaranarayana Iyer. The said Sankaranarayana Iyer executed a 'WILL' on 05.05.1945 in favour of his brother, Sankaranarayanan @ Venkatesan and his nephew minor Raman. Sankaranarayana Iyer passed away on 02.02.1947. On his death, his brother, Sankaranarayanan @ Venkatesan and minor Raman succeeded to the estate. By lapse of time, Sankaranarayanan @ Venkatesan passed away and Raman became the absolute owner of the property. Raman, facing disturbance to his possession, presented



W.P.(MD)No.10540 of 2025

a suit in O.S.No.37 of 2012 on the file of the Subordinate Court at Ambasamudram. The said suit was settled out of Court. For the purpose of this Writ Petition, it is suffice to record that in the said suit, the 'WILL', dated 05.05.1945 was produced as a document.

3. Thereafter, Raman executed a power of attorney in favour of one Natarajan on 19.07.2016, before the Sub Registrar, Vikramasingapuram, Tirunelveli District. The said document was registered as Doc.No.849/2016. The said Natarajan executed a sale deed on 26.06.2018 with respect to 19 cents out of 24 cents in favour of one Suryanarayanan. The sale deed was also registered in Doc.No. 1063/2018.

4. The power agent, Natarajan, executed a sale deed for the remaining extent of 5 cents in favour of the Writ Petitioner on 29.03.2025. The sale deed was presented for registration on the same day. The respondent refused to register the document by the impugned order stating that the 'WILL' and the judgment in O.S>No. 37 of 2012 had not been produced. Challenging the same, the present Writ Petition.



W.P.(MD)No.10540 of 2025

WEB COPY

5.I heard Mr.A.Sankararamasubramanian for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondent.

6.Mr.A.Sankararamasubramanian, reiterated the contentions in the affidavit and pleaded that in the light of the judgment of this Court in ***P.Pappu vs- Sub Registrar, Rasipuram***, reported in **2024 (5) CTC 575**, there is no necessity to produce original title deeds prior to registration.

7.Mr.P.T.Thiraviam, on instructions, reported that the Sub Registrar did not demand the original deed, as a condition precedent for registration, but only called upon the petitioner to produce the copies of the same in order to complete the process of registration. Mr.P.T.Thiraviam added that the documents filed along with the typed set of papers in the Writ Petition had not been produced before the Sub Registrar and that had those documents been produced, the registration of the sale deed would have gone through smoothly.



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8.It has been settled by the judgment in P.Pappu's case relied upon by the learned Counsel for the petitioner that as a condition precedent for registration of a document, the registrar cannot insist upon production of previous documents. Further more, in **K.Gopi vs Sub Registrar and others**, reported in **2025 SCC OnLine 740**, the Supreme Court held as follows:

“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.”

9.This makes it clear that it is not the business of the Sub Registrar to demand documents or satisfy himself with respect to the title prior to registration of a document, if the document otherwise complies with the requirements of the Registration Act.



W.P.(MD)No.10540 of 2025

WEB COPY

10.In the light of the above discussion, the impugned refusal check slip, dated 29.03.2025, is quashed. The respondent is directed to register the sale deed executed by Mr.Natarajan in favour of the Writ Petitioner on 29.03.2025 within a period of one week from today.

11.The Writ Petition is disposed of accordingly. No costs.

12.Post the matter on 29.04.2025 for reporting compliance.

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

17.04.2025

cmr

To

The Sub Registrar,
North Veeravanallur Sub Registrar Office,
Tirunelveli District.



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W.P.(MD)No.10540 of 2025

V. LAKSHMINARAYANAN, J.

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W.P.(MD)No.10540 of 2025

17.04.2025