



W.P(MD)No.10827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10827 of 2024

and

W.M.P.(MD)No. 9655 of 2024

1. I.Leelavathi

2. I.Mariyadoss

... Petitioner

Vs.

1. The Joint-1 Sub-Registrar,
Palayamkottai, Tirunelveli.

2. I.Thomas

3. I.Sundarraaj

4. R.Periyasamy

...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 records relating to the impugned order of the 1st respondent in Refusal Check Slip No.RFL/Joint 1 Sub-Registrar, Palayamkottai/59/2023 dated 13.10.2023 and to quash the same and consequently, to direct the 1st respondent to register and release the document within the time fixed by this Court.

For Petitioner : Mr.H. Arumugam

For R1 : Mr.G. Suriya Ananth
Additional Government Pleader

For R4 : Mr. J. Senthil Kumariah



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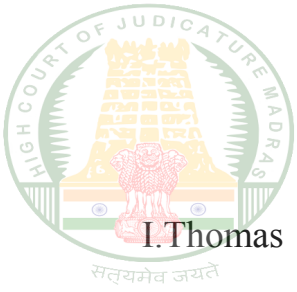
ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the 1st respondent in Refusal Check Slip No.RFL/Joint 1 Sub-Registrar, Palayamkottai/59/2023 dated 13.10.2023 and consequently, to direct the 1st respondent to register and release the document within the time fixed by this Court.

2.The brief facts are that the land to an extent of 20.50 acres in Ayan Punja S.No.383 was originally owned by one Sivakami Ammal and Veera Perumal under two separate registered sale deeds. They divided the property orally as east and west and the said Veeraperumal got the property on the western side. After the demise of Veeraperumal, his two sons namely Velu and Madasamy inherited the property and they divided the land to an extent of 5.12 ½ acres each as east and west. The said Madasamy got the 5.12 ½ acre on the east and he sold the same to petitioner's husband namely Iruthayam and his brother's son Anthony through registered sale deed dated 21.02.1969 in Doc. No.654/1969.

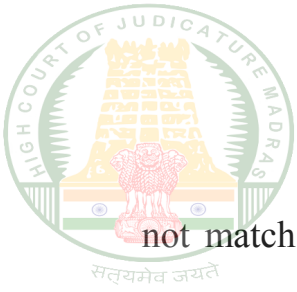
3. The land was sub-divided as S.No.383/2 and a portion was acquired by National Highways lead to Kanyakumari. Thereafter the said Iruthayam (husband of 1st petitioner) died leaving behind his two sons namely



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I.Thomas (2nd respondent herein) and I.Selvaraj born through his first wife Gandhimathi. After demise of the first wife Gandhimathi, he married the 1st petitioner I.Leelavathi and they have 3 sons namely I.Mariadoss (2nd petitioner), Sundarraaj (3rd respondent) and Joseph. The said Joseph died before marriage. After demise of the said Iruthayam the 1st petitioner and 4 sons got 1/5th share each. The family had vast extent of property, the 2nd respondent I.Thomas has already sold 82 cents in the above property to the 4th respondent under registered sale deed dated 09.03.1994 in Doc. No.744/1994 as if he was the absolute owner. At that time, he handed over the original title deed in Doc.No.654/1969 to the 4th respondent. In fact, the 4th respondent when it came to his knowledge about the rights of other legal heirs and came to conclusion that petitioner's rights cannot be denied by him or anyone, had got a registered consent deed dated 31.12.2021 in Doc.No.9274/2021 from the petitioners on paying adequate consideration.

4. Then after an amicable talk regarding the family properties, the respondents 2 and 3 executed the relinquishment deed dated 13.10.2023 relinquishing their 2/5th undivided right alone to petitioners and the same was presented for registration. But the 1st respondent has passed the impugned refusal check slip declining to register the document stating that the original document was not submitted, the name in death certificate and the previous title deed does



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not match, the encumbrance certificate reflects some alienation by dividing the land in S.No.383/2B.

5. The contention of the petitioner is that admittedly one of the legal heirs had sold the larger extent of the property, now the rights of the other legal heirs are protected by the subsequent consent deed and relinquishment deed. Now the petitioner is seeking to register the relinquishment deed, hence the 1st respondent cannot deny the same. Further contention of the petitioner is that the 1st respondent cannot conduct roving enquiry but bound to register the documents after verifying the identification of the parties.

6. The Learned Additional Government Pleader submitted that some of the property was already sold, hence the impugned slip was issued.

7. This Court heard the rival submissions. It is seen that one of the legal heirs had sold the entire property without disclosing the rights of the other legal heirs. Hence the same was rectified by executing the consent deed. Thereafter the rights of 2nd and 3rd respondents are relinquished by the present deed, which is sought to be registered. Hence the respondent's reason that some alienations are reflected in encumbrance is unwarranted. Further it is settled



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proposition that original document need not be produced.

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8. As far as the objection that previous title deed does not match with the death certificate is concerned, the same would amount to deciding the title of the property. It is settled proposition that the Sub Registrar cannot decide the title dispute between the parties. Therefore, all the reasons stated by the 1st respondent are erroneous, hence the same is liable to be set aside, accordingly set aside. Consequently the 1st respondent is directed to register the document within a period of four weeks from the date of receipt of the copy of the order.

9. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

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

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To

The Joint-1 Sub-Registrar,
Palayamkottai, Tirunelveli.



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S.SRIMATHY, J.

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**ORDER MADE IN
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