



W.P(MD)Nos.11758 & 11775 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)Nos.11758 & 11775 of 2025

Selin Nelson

... Petitioner
(In Both Cases)

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Thuckalay,
Kanyakumari.

... Respondent
(In Both Cases)

Prayer in W.P(MD)No.11758 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned refusal check slip under Refusal No.RFL/Thuckalay/78/2025 passed by the respondent, dated 25.03.2025 and to quash the impugned order as illegal and further to direct the respondent to register the sale deed, dated 25.03.2025 executed by the petitioner in relating to the properties under S.No.730/9 its New R.S.No. 730/9C measuring a total extent of 34 cents situating at Muthalakuruchi Revenue Village, Kalkulam Taluk, Kanyakumari District and to pass such further or other orders as this Court.

Prayer in W.P(MD)No.11775 of 2025 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



W.P(MD)Nos.11758 & 11775 of 2025

Certiorarified Mandamus, to call for the impugned refusal check slip under Refusal No.RFL/Thuckalay/77/2025 passed by the respondent, dated 25.03.2025 and to quash the impugned order as illegal and further to direct the respondent to register the sale deed, dated 25.03.2025 executed by the petitioner in relating to the properties under S.No.730/9 its New R.S.No. 730/9C measuring a total extent of 34 cents situating at Muthalakuruchi Revenue Village, Kalkulam Taluk, Kanyakumari District and to pass such further or other orders as this Court.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

COMMON ORDER

The petitioner seeks for the following relief:-

"Writ of Certiorarified Mandamus, to call for the impugned refusal check slips under Refusal No.RFL/Thuckalay/78/2025 and Refusal No.RFL/Thuckalay/77/2025 passed by the respondent, dated 25.03.2025 and to quash the impugned order as illegal and further to direct the respondent to register the sale deed, dated 25.03.2025 executed by the petitioner in relating to the properties under S.No.730/9 its New R.S.No. 730/9C measuring a total extent of 34 cents situating at Muthalakuruchi Revenue Village, Kalkulam Taluk, Kanyakumari District."



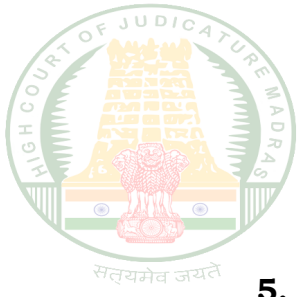
W.P(MD)Nos.11758 & 11775 of 2025

WEB COPY

2. The petitioner claims that the property situated at S.No.730/9, new R.S.No.730/9C of Muthalakuruchi Village, Kalkulam Taluk, Kanyakumari District belonged to his father. On the death of the petitioner's father, the property devolved on his mother and himself and she had executed a "Will" in his favour in document No.18 of 1994, dated 03.08.1994. His mother Thayee passed away on 28.11.2004. The petitioner subsequently has been enjoying the property in his own right. When he attempted to alienate the property in favour of third party, the presentation of the document was refused under the impugned orders. Hence, this writ petition.

3. I heard Mr.B.Micheal Sebastin for the petitioner and Mr.R.Suresh Kumar for the respondent.

4. A perusal of the impugned orders show the ground of rejection is that the petitioner has not provided sufficient documents to prove the title of his mother Mrs.Thayee. The Sub Registrar does not have the power to enquire into questions of title. This position has been settled by the Supreme Court in **K.Gopi Vs. The Sub Registrar and Others** reported in **2025 SCC Online SC 740**.



W.P(MD)Nos.11758 & 11775 of 2025

WEB COPY

5. In the light of the above discussion, both the writ petitions stand allowed. The impugned orders are quashed. There shall be no order as to costs.

24.04.2025

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

To

The Sub Registrar,
Office of the Sub Registrar,
Thuckalay,
Kanyakumari.



WEB COPY



W.P(MD)Nos.11758 & 11775 of 2025

V.LAKSHMINARAYANAN, J.

BTR

W.P(MD)Nos.11758 & 11775 of 2025

24.04.2025