



W.P.(MD) No.11864 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.11864 of 2025

Seenipandiyan

...

Petitioner

Vs

The Sub Registrar,
Murappanadu,
Sri Vaigundam Taluk,
Thoothukudi District.

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned order passed by the Respondent in No. 169/2022, dated 23.09.2022, and quash the same as illegal and consequently direct the respondent to release the petitioner's sale deed vide doc.no.62/2022 in token No.5802/2022, dated 20.09.2022.

For Petitioner : Mrs.A.Banumathy

For Respondent : Mr.P.T.Thiraviyam,
Govt. Advocate.



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ORDER

The petitioner seeks for the following relief :

"Writ of certiorarified mandamus, to call for the records pertaining to the impugned order passed by the respondent in No.169/2022, dated 23.09.2022, and quash the same as illegal and consequently direct the respondent to release the petitioner's sale deed vide Doc. No.62/2022 in token No.5802/2022, dated 20.09.2022.

2. The petitioner states that he presented a document of conveyance, covering (i) S.F.No.119/4, Nochikulam Village, Palayamkottai Taluk, Tirunelveli District; and (ii) S.F.No.24/4, Parpakulam Village, Palayamkottai Taluk, Tirunelveli District, on 20.09.2022, for registration before the respondent.

3. The petitioner alleges that the said document was registered as Document No.62/2022 on the very same day. Three days thereafter, the impugned order came to be passed. In the impugned order, the respondent has stated the following reasons :



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தாக்கல் செய்யப்பட்ட ஆவணத்தில் 1வது தபசில் சொத்து கூர்ந்தாய்வு செய்யப்பட்டதில் பட்டாவின் அடிப்படையில் பாத்தியப்பட்டது எனத் தெரிவிக்கப்பட்ட நிலையில், பட்டாவில் தெளிவான முறையில் உரிமையாளர்களை வகைப்படுத்தப்படாமல் இருந்தது. பட்டாவில் உள்ள நான்கு நபர்களில் நான்காவது நபரான திரு.சுடகோபன் என்று மட்டும் அதாவது தந்தை பெயர் ஏதும் குறிப்பிடப்படாமல் மற்றவை எனக் கூறப்பட்டுள்ள நிலையில் மொத்தம் உள்ள 4 நபர்களில் பிரிவின்றி 1பங்கு என ஆவணத்தில் எழுதப்பட்டிருந்தது.

2வது தபசில் பற்பகுளம் கிராமம், எனக்குறிப்பிட்டு பட்டாவின் அடிப்படையில் மட்டும் எழுதப்பட்டிருந்து, இந்த பட்டாவில் உள்ள பெயர்களுக்கும் தற்போது எழுதிக் கொடுக்கும் நபருக்கோ(அ) முந்தைய ஆவணத்தின்படி எழுதிக் கொடுத்த நபருக்கோ பட்டாவில் பெயர் இருப்பதாக தெரியவில்லை. பட்டாவும் இல்லாமல் சரியான ஆவணமும் இல்லாமல் தற்போது ஆவணம் தாக்கல் செய்துள்ள நிலையில்,

Challenging the same, the present Writ Petition.

4. I have heard Mrs.A.Banumathy, learned counsel for the petitioner; and Mr.P.T.Thiraviyam, learned Government Advocate, for the respondent.

5. Learned counsel for the petitioner reiterated the contentions made in the affidavit and wanted to quash the impugned order.

6. I have carefully considered the submissions of both sides and also gone through the records.

7. In terms of Rule 55 of the Registration Rules, it is not the duty of the Sub-Registrar to probe into questions of title. Interpreting the



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Registration Act and the Rules made thereunder, the Supreme Court in *K.Gopi*

v. *Sub-Registrar & Others*, 2025 SCC Online SC 740, had 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."

This makes it clear that the registering authority is entitled only to satisfy himself as regards the identity of the parties before him and whether they have admitted the execution of the document. Once these are complied with,



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he cannot go further and probe into questions of title.

8. That being the position of law declared by the Supreme Court, the impugned order is quashed. There shall be a direction to the respondent to number the document as Number 62/2022, dated 20.09.2022, and return the same to the petitioner within a period of two weeks from the date of receipt of copy of this order.

9. Writ Petition is ordered accordingly. No costs.

25.04.2025

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

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dixit

To:

The Sub Registrar,
Murappanadu,
Sri Vaigundam Taluk,
Thoothukudi District.



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V.LAKSHMINARAYANAN, J.

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