



W.P.(MD)No.14112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.14112 of 2025

and

W.M.P(MD)No.10240 of 2025

S.Mathar Mohideen

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Pettai, Tirunelveli – 627 004.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for records and quash the refusal check slip Under RFL/Pettai/16/2025 passed by the respondent dated 07.04.2025 as being null and viod and consequently seeking appropriate directions against the respondent to entertain the gift deed, dated 07.04.2025 within the time frame.

For Petitioner : Mr.V.Balasubramanian

For Respondent : Mrs.P.B.Ahamed Yasmin Barvin
Government Advocate



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ORDER

The petitioner challenges the refusal check slip, dated 07.04.2025 on the file of the respondent.

2.The petitioner has presented a Hiba cum gift settlement deed settling his property in favour of his wife. The said documents has been refused for registration on the ground that the petitioner claims right under un-registered release deed, dated 07.10.2016.

3.The Hon'ble Supreme Court in the case of ***K.Gopi Vs.The Sub Registrar and others in Civil Appeal No.3954 of 2025***, dated 07.04.2025 in similar manner, where registration of document was objected on the ground that the presenter of the document did not have valid title, held that the registering officer is not concerned with the title held by the executant and he cannot adjudicate to decide whether the executant has any title and further held that 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 in place.



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4.In the light of the dictum of the Hon'ble Supreme Court in the case of K.Gopi stated supra, I am inclined to set aside the impugned refusal check slip.

5.In fine, the writ petition is allowed. The impugned order is set aside. The respondent is directed to register the Hiba settlement deed, dated 07.04.2025 presented by the petitioner for registration within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

09.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
sn

To:

The Sub Registrar,
Sub Registrar Office,
Pettai, Tirunelveli – 627 004.



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P.B.BALAJI, J.

Sn

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