



W.A(MD)No.1422 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD)No.1422 of 2025

Marithai

... Appellant /
Petitioner

Vs.

The Sub Registrar,
Sub Registration Office,
Kadayanallur,
Tenkasi District.

... Respondent /
Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 04.03.2025 passed in W.P(MD)No.5643 of 2025 and allow the writ petition in W.P(MD)No.5643 of 2025.

For Appellant : Mr.S.Balamurugan

For Respondent : Mr.D.Sasi Kumar
Additional Government Pleader



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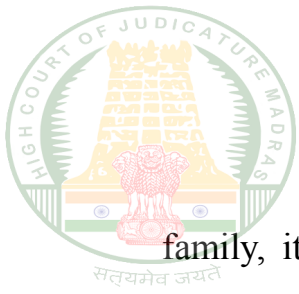
JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant herein presented a deed of release dated 13.02.2025 before the respondent. The respondent declined to entertain the document and issued refusal check slip dated 20.02.2025. Challenging the same, the appellant filed W.P(MD)No.5683 of 2025. The learned single Judge dismissed the writ petition and called upon the appellant to move the jurisdictional civil Court for relief. Aggrieved by the same, this Writ Appeal has been filed.

3.The learned Additional Government Pleader pointed out that as per the encumbrance register, the property in question belonged to one Udayammai Athal and that she settled the same in favour of one Vellaipandian and Pitchai Thai and that there were no subsequent transactions in the official land records. The reason assigned by the registering authority appears to be sound. But two facts stare at us. Firstly, there is no rival claim. Secondly, the appellant's father Senthurpandian's name is found in the A-Register. Patta also stands in his name. When the patta stands in the names of the appellant's



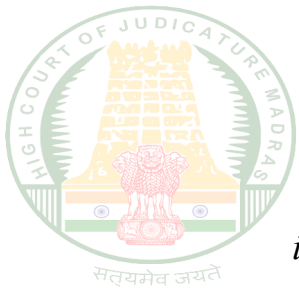
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family, it is not open to the registering authority to decline to entertain the

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4.Our attention is also drawn to the recent decision of the Hon'ble Supreme Court reported in **2025 SCC OnLine SC 740 (K.Gopi Vs Sub-Registrar & Others)**. Paragraph 15 of the said order is 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



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interest in the property, the registered document cannot effect any transfer.”

5.In this view of the matter, the order of the learned single Judge is set aside. The refusal check slip is also set aside. The petitioner is permitted to re-present the document. It shall be registered by the respondent subject to fulfilment of the other usual formalities.

6.This Writ Appeal is allowed accordingly. There shall be no order as to costs.

[G.R.S., J.] [K.R.S., J.]
18.07.2025

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

To

The Sub Registrar,
Sub Registration Office,
Kadayanallur,
Tenkasi District.



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