



W.P(MD)No.16895 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.06.2025

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16895 of 2025

and

WMP(MD)No.12791 of 2025

1. Minor. P. Bala
2. Minor P.Dharshan

Represented through their mother and natural
Guardian P.Packyavathi.

... Petitioners

vs.

The Sub Registrar,
Kariapatti Sub Registrar Office,
Kariapatti,
Virudhunagar District

...Respondent

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 of the impugned check slip in RFL/Kariapatti/28/2025, dated 15.05.2025 and to quash the same as illegal and arbitrary and consequently, to direct the respondent to receive and register the sale deed, dated 15.05.2025, executed by the petitioner.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.S.Saji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned check slip in



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RFL/Kariapatti/28/2025, dated 15.05.2025 and consequently, to direct the respondent to receive and register the sale deed, dated 15.05.2025, executed by the petitioner.

2.The respondents have rejected the registration on the ground that it is a minor's property. The respondent cannot sit and decide the title and the intention of the parties. If they do so, they are sitting as a Civil Court, which is prohibited. There are several judgments of the Court wherein it is held that the Registration Department cannot sit as a Civil Court and decide the issue.

3.On perusing the sale deed, it is seen that the petitioner is selling the property for and on behalf of the minors. The petitioner being a mother, she has purchased the property for and on behalf of the children only. Now, the mother is intended to sell the property for the benefits of the minors. Further, it is only a voidable contract. At the instance of the minors attaining majority, they can challenge the said sale. Further, it is the risk of the purchaser.

4.The said issue is already considered by another Learned Single Judge in W.P.No.1989 of 2023, vide order, dated 27.01.2023, wherein it is stated as under:

"8. Therefore, the sale of the property belonging to the minor is not totally prohibited. Such sale is only voidable at the instance of the



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minor after attaining majority and such sale be ignored within a period of three years, after he attained majority. Such being the position, merely because the Court permission is required under Section 8(2) of the Act that very document itself cannot be refused to be registered.

9. Such view of the matter, it is risk of purchaser dealing with such property without permission from the Court as required under Section 8 of the Act. Such being a position, since the sale of any property belonging to minor is only voidable as the issue is between the purchaser and the seller, Registrar has no power to refuse to register such document. "

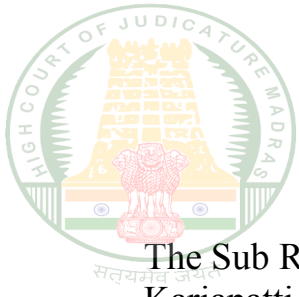
5. Therefore, this Court is of the considered opinion that the respondent cannot refuse to register based on the said ground. Hence, the impugned refusal slip is set aside and the respondent is directed to register the sale deed within a period of 4 weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

24.06.2025

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

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The Sub Registrar,
Kariapatti Sub Registrar Office,
Kariapatti,
Virudhunagar District



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.16895 of 2025**

DATED :24.06.2025