



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED :31.07.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.16815 of 2025**

Susainathan

... Petitioner

VS.

The Sub-Registrar,  
Kodaikanal Sub-Registrar Office,  
Kodaikanal, Dindigul 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 refusal check slip No.RFL/Kodaikanal/128/2025 dated 28.05.2025 issued by the respondent and quash the same as illegal and arbitrary and consequently directing the respondent to register the sale deed dated 28.05.2025 executed by the petitioner and his sons in favour of the purchaser Mr.Suresh Babu.

For Petitioner : Mr.M.Kannan

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

\*\*\*\*\*



WEB COPY

**ORDER**

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned refusal check slip No.RFL/Kodaikanal/128/2025, dated 28.05.2025 issued by the respondent and consequently direct the respondent to register the sale deed dated 28.05.2025 executed by the petitioner and his sons in favour of the purchaser Mr.Suresh Babu.

2. The learned counsel appearing for the petitioner would submit that the property in old survey No.399/G, 3D Part, 399K-1B Part measuring 1 acre 5 cents co-relating to Ward No.D, Block No.20, T.S.No. 73, measuring 0.39.0 Ares and T.S.No.71 measuring 0.01.0 Ares totally 0.40.0 Ares comprised in Patta no.7042 situated at Srinivasapuram, Kodaikanal Town, Dindigul District originally belonged to the petitioner's father late Anjalmar, son of Anthonymuthu and he was in exclusive possession and enjoyment of the same. The petitioner's father died on 15.05.1999 leaving behind the petitioner as his legal heir. Thereafter, revenue records have been mutated in the petitioner's name



WEB COPY

and the petitioner enjoying the property along with his children. Now, he intended to sell the property to the purchaser by name Suresh Babu. The petitioner and the purchaser Suresh Babu have jointly executed a sale deed dated 27.05.2025 and presented the same for registration on 28.05.2025 along with all the necessary revenue records. Through the impugned order the respondent has refused to register the document stating that the property situated at S.No.399/G, 3D Part, 399K-1B Part new Survey No.71 & 73 have been registered in Document No.116 of 1994.

3. The contention of the petitioner is that his father is entitled to the property situated in Survey No.71 & 73, for which, he has relied on 'A' register issued by the revenue authorities, where, it is stated that the Anthony Muthu son (daughter) of Anjalmar, (in the register it is incorrectly stated that Anjalmar as daughter, but it is son). Hence the is claiming title by relying on 'A' register.

4. The learned Special Government Pleader appearing for the respondent filed a counter and stating that the petitioner has presented



WEB COPY

the Adangal (A-Register) and the patta No.585 and the same is not a regular patta, but it is based on the Adangal and there are no other records to prove the petitioner's title. The learned Special Government Pleader would further submit that the earlier documents are available and the same is reflected in the Encumbrance Certificate in Doc.No. 143/1980, 19/80 and 228/80. However, it is seen that the petitioner's father is in possession of the property based on the 'A' register. In fact, genuinity certificate is also issued by the Tahsildar to prove the same. It is seen before registering the Document No.116 of 1994 there is no scrutiny at all. Further it is settled proposition of law that the Registration Department cannot determine the title dispute.

5. The learned counsel for the petitioner relied on the judgment of Hon'ble Supreme Court of India in ***K.Gopi vs. Sub-Registrar and others*** reported in ***2025 SCC Online SC 740***, wherein, the Hon'ble Apex Court has held as follows:-

*"14. In short, Rule 55A provides that unless documents are produced to prove that the executant has a right in respect of the property subject matter of the instrument, the registration of the same shall be refused.*



*Thus, if a sale deed is presented for registration, documents must be produced to demonstrate that the executant has acquired ownership of the property. In a sense, power has been conferred on the registering officer to verify the title of the executant. Unless documents are produced evidencing title as required by Rule 55A(i), registration of the sale deed shall be refused.*

*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*



WEB COPY

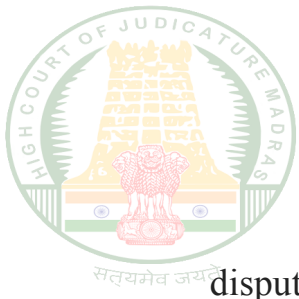


*and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer."*

6. The learned counsel for the respondent relied on the judgment of the Hon'ble Supreme Court of India in ***Asset Reconstruction Company (India) Ltd., vs. S.P.Velayutham and others*** reported in **2022(3) CTC 754**, where, it has been held as follows:-

*"If the Registering Officer under the Act is construed as performing only a mechanical role without any independent mind of his own, then even Government properties may be sold and the documents registered by unscrupulous persons driving the parties to go to civil Court. Such an interpretation may not advance the cause of justice."*

7. The Hon'ble Supreme Court has held that the registering authority is not doing the clerical job. However, the registering authority can verify the parties who are present before them and they can verify the veracity of the parties and witness to the document. If there is any title



WEB COPY

dispute between two parties then the registering authority cannot determine the title. Admittedly, in the present case, there is dispute between the petitioner and earlier owner of the property. In such circumstances, the respondent cannot determine the title. At the most, the petitioner will be affected due to encumbrance because of the Document No.116 of 1992. The petitioner is registering the document at his own risk, hence the contention of the respondent ought to be rejected and the same is rejected.

8. Therefore, the impugned check slip dated 28.05.2025 is liable to be quashed and accordingly quashed. The writ petition is allowed. Consequently the respondent is directed to register the document produced by the petitioner within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that the parties shall approach the Civil Court to determine the title. No costs. Consequently, connected miscellaneous petitions are closed.

**31.07.2025**

NCC : Yes / No  
Index : Yes / No



Internet : Yes  
am  
WEB COPY

To:

- 1.The Sub-Registrar,  
Kodaikanal Sub-Registrar Office,  
Kodaikanal, Dindigul District.
- 2.The Food Safety Officer,  
Dr.Muthulakshmi Government Hospital Campus,  
Near Van Market,  
Puthukottai.



WEB COPY



**S.SRIMATHY, J.**

am

**ORDER MADE IN  
W.P(MD)No.16815 of 2025**

**DATED :31.07.2025**