



W.P(MD)No.17245 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17245 of 2025

Kalaiarasan

... Petitioner

VS.

The Sub-Registrar
Office Sub-Registrar,
Valliyur, Tirunelveli 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 pertaining to the impugned refusal slip in refusal Number: RFL/Valliyur/31/2025 dated 17.06.2025 issued by the respondent and quash the same as illegal and arbitrary and consequently direct the respondent to register the settlement deed dated 16.06.2025 presented by the petitioner for registration within the time fixed by this Court.

For Petitioner : Mr.U.Lakshmanaraja

For Respondent : Mr.S.Kameshwaran
Government Advocate



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ORDER

The petitioner seeks to quash the impugned Refusal Slip in Refusal Number. RFL/Valliyur/31/2025 dated 17.06.2025 issued by the respondent and to direct the respondent to register the settlement deed dated 16.06.2025 presented by the petitioner for registration.

2. The petitioner states that the property to an extent of 1 acre 43.66 cents comprised in S.No.546/1A1A situated at Achampadu Village, Radhapuram Taluk, Tirunelveli District belonged to one Palaiya. The said Palaiya died on 08.02.2010. He left behind three legal heirs, namely Seethadevi, the petitioner, and his brother. Seethadevi executed a release deed, releasing her share in the property of Palaiya, on 23.03.2011. This document is registered as Doc. No.1353 of 2011 on the file of the respondent.

3. The petitioner submits that he decided to settle the property, that devolved on him, in favour of his wife Indira. He presented the document on 17.06.2025. The document was refused to be registered under the impugned check slip for the following reasons:

(i) the property has not been partitioned between the petitioner and his



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brother;

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(ii) revenue records have not been mutated by showing four boundaries of the property allotted to the petitioner.

4. The learned Government Advocate appearing for the respondent, on instructions, submitted without boundaries the property cannot be registered, since identification of property is necessary.

5. Heard Mr.U.Lakshmanaraja for the petitioner and Mr.S.Kameshwaran, learned Government Advocate for the respondent.

6. Narration of facts shows that the petitioner claims a share in the property. He is entitled to alienate his share in favour of anyone, including his wife. It does not fall within the jurisdiction of the Sub Registrar to give an opinion that the settlement deed can be executed only after partition between brothers. Even without a partition, a person is entitled to alienate undivided share in favour of any person of his choice.

7. Rule 55 of the Registration Rules does not contemplate the Registrar to enquire into matters of title. The scope of enquiry is limited. The Sub Registrar is not a quasi-Judicial authority either. Apart from that, there is no requirement for



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revenue records to be perused at the time of registration.

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8. In the present case, the property belongs to the petitioner's father, and the petitioner has succeeded on account of the intestate succession. Both the reasons given by the respondent are beyond the scope of his jurisdiction. Hence, the impugned order is quashed. The respondent shall register the document executed by the petitioner in favour of his wife dated 16.06.2025 within a period of two weeks.

9. With the above said direction, this Writ Petition is allowed. No costs.

26.06.2025

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

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To:

The Sub-Registrar
Office Sub-Registrar,
Valliyur, Tirunelveli District.



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S.SRIMATHY, J.

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ORDER MADE IN
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DATED : 26.06.2025