



W.P(MD)No.17971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17971 of 2023

and

W.M.P.(MD).Nos.15005, 15006 and 15007 of 2023

1. K.Pitchai

2. M.Chellamani

... Petitioners

vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam, Chennai.

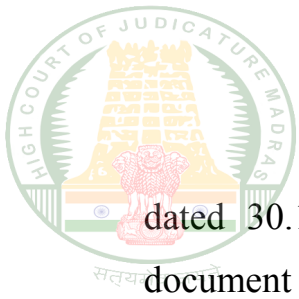
2. The Deputy Inspector General Of Registration,
Office of the Deputy Inspector General of Registration,
Madurai Region,
Otthakadai, Madurai District.

3. The District Registrar (Admin).
Sivagangai District,
Sivagangai.

4. Rajendran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent vide his impugned proceedings in Muu.Muu.No. 1286/E1/2020 dated 17.02.2021 and consequential impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No. 2665/Aa4/2021



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dated 30.11.2021 and quash the same as illegal in so far as annulling the document in respect of S.No. 471/3 is concerned.

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For Petitioners : M/s.Ajmal Associates
Mr.H.Mohammed Imran

For R1 to R3 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned order passed by the 3rd respondent dated 17.02.2021 and consequential impugned order passed by the 2nd respondent dated 30.11.2021 in so far as annulling the document in respect of S.No. 471/3 is concerned.

2. The contention of the petitioner is that the respondents have conducted a detailed enquiry after issuing notice to the petitioner as well as the 4th respondent, and have come to the conclusion that the issue ought to be considered by the competent civil court.

3. The parties have already filed a suit in O.S. No. 138 of 2022 on the file of the Subordinate Court, Manamadurai. Hence, the issue cannot be decided by the respondents. In support of this, the petitioner has relied on the judgment



reported in **2025 Live Law (SC) 402**, in the case of **K. Gopi vs. The Sub-**

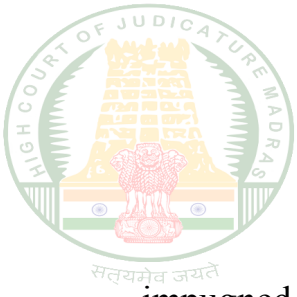
Registrar & Others. The relevant paragraph Nos. 9 and 15, are extracted

hereunder:

....

“9. In the present case, the registration was refused on the ground that the title of the vendor and the appellant was not established. On plain reading of Sections 22-A and 22-B, on the ground of failure to produce documents of title of the vendor, registration could not have been 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 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”.



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4. However, it is seen that the respondents while passing the impugned order had made certain observation which the petitioner is prejudiced.

In view of the above, this Court is inclined to set aside that portion of the observation made in the impugned order.

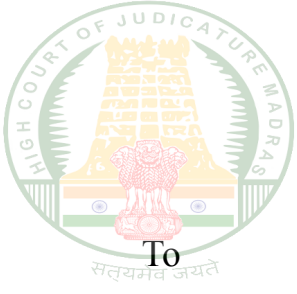
5. Accordingly, the impugned order dated 17.02.2021 passed by the 3rd respondent, and the consequential impugned order dated 30.11.2021 passed by the 2nd respondent, are hereby set aside. The parties are at liberty to approach the civil court. The court below shall consider the plea of the parties uninfluenced by any observation made in this order or the impugned order.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.07.2025

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

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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.17971 of 2023**

DATED : 22.07.2025