



W.A(MD)No.2144 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2025

CORAM

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

**W.A(MD)No.2144 of 2025
and
C.M.P(MD)No.12342 of 2025**

Sheik Mohammed

... Appellant /
Petitioner

Vs.

1.The Sub Registrar,
Melur West Sub Registrar Office,
Madurai,
Madurai District.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.07.2025 passed in W.P(MD)No.18763 of 2025 on the file of this Court.

For Appellant : Ms.Lakshmi Gopinathan



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

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JUDGMENT

(By G.R.SWAMINATHAN, J.)

The Writ Appeal is directed against the order dated 10.07.2025 made in W.P(MD)No.18763 of 2025. The appellant herein executed a settlement deed dated 26.05.2025 in favour of his two sons, namely, Gousemaniam and Abdul Saleem. The deed was presented for registration. The registering authority declined to register the document and issued refusal check slip dated 01.07.2025. Challenging the same, the appellant filed the aforesaid writ petition.

2.The learned single Judge declined to set aside the refusal check slip. It was noted that, since proceedings were pending before the Revenue Divisional Officer, Melur at the instance of a third party, registration cannot be allowed to go on. Direction was given to the Revenue Divisional Officer, Melur to complete the proceedings within four weeks and it was further directed that based on the outcome of those proceedings, the registering authority may consider registration of the document. Aggrieved by the same, this Writ Appeal has been filed.

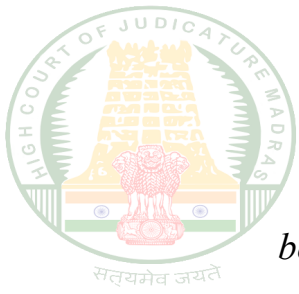


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3. Even before commencing her arguments, the learned counsel for the appellant submitted that she would produce affidavit executed by the settlees undertaking that they would not create any kind of encumbrance on the property after completion of the registration formalities, until the title dispute is adjudicated by the competent forum. The matter was adjourned. The affidavits of the settlies have since been filed and are taken on record.

4. The Hon'ble Supreme Court in the decision reported in **2025 INSC 462 (K.Gopi Vs The Sub Registrar & Others)** dealt with a similar issue. 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

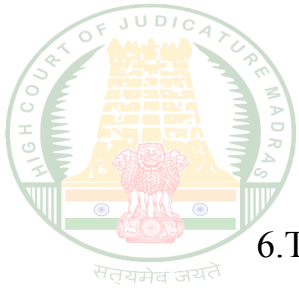


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before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.”

5. In the present case, the appellant's name is reflected in the revenue record. Therefore, the registering authority could not have declined to take note of the same. It is true that a third party has filed a revision before the Revenue Divisional Officer; however, no interim order has been obtained in those proceedings till date. Mere pendency of the said proceedings before the Revenue Divisional Officer could not have been the reason for declining to register the document in question. Even while affirming the direction issued by the learned single Judge to the Revenue Divisional Officer, we set aside the refusal check slip impugned in the writ proceedings. The appellant is at liberty to re-present the document. The registering authority will register the same subject to fulfillment of the other usual formalities and release the documents. The settlies are directed not to alienate or encumber the petition mentioned property until the title dispute is finally decided.



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6.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
31.07.2025

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

To

1.The Sub Registrar,
Melur West Sub Registrar Office,
Madurai,
Madurai District.

2.The Revenue Divisional Officer,
Melur,
Madurai District.



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K.RAJASEKAR, J.

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