



W.P(MD)No.24824 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24824 of 2025

1.Dharmaraj

2.Mohanraj

... Petitioners

Vs.

1.The Sub Registrar,
Joint-I, Sub Registrar Office,
Sivagangai.

2.S.Sigaram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order in Na.Ka.No.1766/R/2025 dated 23.07.2025 and consequently passed impugned refusal check slip of the 1st respondent in RFL/joint-1 Sub Registrar Sivagangai/Book 2/2 dated 24.07.2025 and quash the same and consequently direct the 1st respondent to register the settlement Deed dated 15.05.2025 executed by the 1st petitioner in favour of the 2nd petitioner and release the same within the time frame fixed by this Court.



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For Petitioners : Mr.H.Arumugam
for Mr.V.Devakumar

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1

ORDER

Settlement deed dated 15.05.2025 was executed by Dharmaraj (P1) in favour of his son Mohanraj (P2). The document was presented for registration. The petitioners' counsel would claim that the initial registration formalities were complied with. By then, the second respondent lodged his objections. The second respondent filed W.P.(MD)No.13933 of 2025 to restrain the registering authority from registering the document. The writ petition was disposed of on 08.05.2025 in the following terms:-

“3.The prayer sought for by the petitioner seeking a blanket direction to restrain the respondent from registering any document cannot be granted. However, it would suffice to direct the first respondent to follow the guidelines in the said circular dated 04.10.2018 and hear the petitioner's objections and protest petition made vide representations dated 30.04.2025 and 03.05.2025 and pass orders on merits and in accordance with law, before entertaining any request for registration.”

Pursuant to the said direction, enquiry was conducted and vide order dated



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23.07.2025, the registering authority declined to register the document.

Challenging the same, this writ petition has been filed.

2. Even though the objector has been served and his name is printed in the cause list, he has not chosen to enter appearance to oppose the writ prayer. It is not in dispute that the property stood in the name of one Meenal. She passed away on 10.05.1995. During her life time, she executed a registered Will dated 19.09.1991, Document No.26/1991 bequeathing the property mentioned property in favour of the first petitioner who is none other than the nephew of the testatrix. The second respondent claims right through the husband of the said Meenal. Thiru.Singaram had also filed a petition before the RDO for cancelling patta standing in the name of the first petitioner. W.P. (MD)No.13964 of 2025 was filed to direct the RDO to go into the issue of mutating the revenue record. This Court vide order dated 08.05.2025 directed the RDO, Sivagangai to conduct enquiry and pass an appropriate order. Pursuant to the said direction, the RDO vide order dated 31.07.2025 mutated the revenue record and restored the name of Meenal and relegated the parties to go before the jurisdictional civil Court. Thus, as on date, the revenue record is not in the name of the writ petitioners but is in the name of Meenal. The settlor derives estate only from Meenal. Admittedly, Meenal had executed the



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registered Will in favour of the first petitioner. Till date, Singaram has not chosen to go before the jurisdictional civil Court.

3. The second petitioner gives an undertaking before this Court that in the event of this Court allowing the writ petition, he will not alienate the property for a period of three years. This undertaking given by the second petitioner is placed on record.

4. My attention is drawn to the decision of the Hon'ble Supreme Court reported in **2025 (2) CTC 777 (K.Gopi Vs. The Sub Registrar)**. The Hon'ble Supreme Court had held 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 3/7 <https://www.mhc.tn.gov.in/judis> (Uploaded on: 11/09/2025 11:46:01 am) W.A.No.2202 of 2024 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



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cannot effect any transfer.”

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5. It is true that as on date, the revenue record does not reflect the name of the settlor. When the document was presented, patta very much stood in his name. More than anything else, patta has been standing in the name of the first petitioner for more than 20 years.

6. In these circumstances, no prejudice will be caused to the second respondent by giving relief to the writ petitioners herein. The impugned refusal check slip is quashed. The first respondent is directed to register and release the document in question to the petitioners. The second petitioner shall not alienate or encumber the property in any manner for a period of three years. The first respondent shall not entertain the document from the second respondent in the meanwhile. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

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G.R.SWAMINATHAN, J.

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To

The Sub Registrar,
Joint-I, Sub Registrar Office,
Sivagangai.

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