



W.P(MD)No.25851 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.25851 of 2025

M.Jareena Begum

... Petitioner

Vs

1. The Sub Registrar,  
Sub Registrar Office,  
Pettai,  
Tirunelveli 627 004.

2. Parthumuthu Sabral

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records and quash the refusal check slip under RFL/Pettai/46/2025 passed by the respondent, Dated 08.09.2025 as being null and void and consequently seeking appropriate directions against the respondent to entertain the gift deed 04.09.2025 within the time frame.



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For Petitioner : Mr.V.Balasubramanian,  
For Respondent : Mr.G.V.Vairam Santhosh (R1)  
Additional Government Pleader  
: No Appearance (R2)

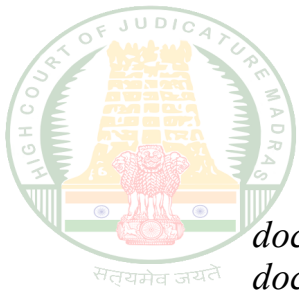
### **ORDER**

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

2.Notice was directed to be served on the second respondent. Even though notice has been served to the second respondent and her name has also been printed in the cause list, she has not chosen to enter appearance either in person or through Counsel.

3.The writ petitioner's husband/S.Mathar Mohideen executed a gift deed in favour of the writ petitioner. Registration was refused challenging the same, he filed W.P(MD)No.14112 of 2025. The writ petition was allowed vide order dated 09.05.2025 in the following terms.

*“3.The Hon'ble Supreme Court in the case of K.Gopi Vs.The Sub Registrar and others in Civil Appeal No.3954 of 2025, dated 07.04.2025 in similar manner, where registration of*



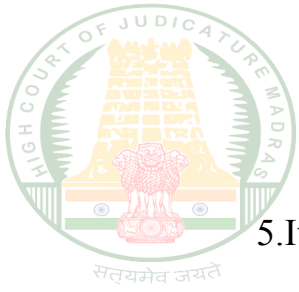
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*document was objected on the ground that the presenter of the document did not have valid title, held that the registering officer is not concerned with the title held by the executant and he cannot adjudicate to decide whether the executant has any title and further held that 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 in place.*

*4.In the light of the dictum of the Hon'ble Supreme Court in the case of K.Gopi stated supra, I am inclined to set aside the impugned refusal check slip.*

*5.In fine, the writ petition is allowed. The impugned order is set aside. The respondent is directed to register the Hiba settlement deed, dated 07.04.2025 presented by the petitioner for registration within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.”*

4.Now the writ petitioner wants to sell the property. When the document was presented for registration, the first respondent declined to register the document on the ground that objection was received from the second respondent. But the second respondent has not obtained any injunction order in her favour. More than anything else, when the document is in favour of the writ petitioner and the same was directed to be registered by virtue of the order passed by this Court, no exception can be taken, when the writ petitioner herein wants to sell the property.



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5.It is well settled that merely because the property is ordered to be registered, the rights of the second respondent will not be taken away. It is always open to the second respondent to establish her right in the manner known to law before the jurisdictional civil court.

6.With the aforesaid observation, I quash the impugned refusal check slip. The petitioner is permitted to re-present the document. It shall be registered and released subject to the fulfilment of other usual formalities.

7.Accordingly, the writ petition stands allowed. No costs.

**26.09.2025**

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

To  
1. The Sub Registrar,  
Sub Registrar Office,  
Pettai,  
Tirunelveli 627 004.



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*W.P(MD)No.25851 of 2025*

**G.R.SWAMINATHAN, J.**

LR

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