



W.P(MD)No.27611 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27611 of 2025

B.Muthupandi

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Thevaram,
Theni District.

2.Pandian

... 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 the records pertaining to the impugned Refusal Check Slip issue by the 1st respondent in No. RFL/Thevaram/12/2025 dated 19.09.2025 and quash the same as illegal and consequently directing the 1st respondent to register the sale deed presented by the petitioner dated 16.09.2025 and the release the same within the time stipulated by this Court.

For Petitioner : Mr.G.Rajaram

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



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: No appearance for R2

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1. The second respondent has been served and his name is printed in the cause list. He has not chosen to enter appearance to oppose the writ prayer.

2. Sale deed dated 16.09.2025 was executed in favour of the writ petitioner by one Senthil Rani and others. It was presented for registration. The registration was refused on the ground that in respect of the subject property, there is an entry in Document No.710/1968. Challenging the stand of the first respondent, this writ petition has been filed.

3. It appears that the core issue is whether the vendors of the petitioner have title over the property. According to them, the vendors have title only in Survey No.53/8. But in the sale deed in question, the survey number has been mentioned as 53/8B. The learned counsel for the petitioner clarifies that the Survey No.53/8 was sub-divided into Survey No.53/8A and 53/8B. The second respondent herein namely Pandian has title only in Survey No.53/8A. Copy of



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the patta No.11542, Thevaram Village has been produced before me. In any event, the registering authority need not concerned himself with the title of the executants.

4. This position has been clarified by 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 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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5. In this view of the matter, the impugned refusal check slip is quashed.

The parties are at liberty to re-present the document. It shall be registered and released subject to fulfillment of other usual formalities. The Writ Petition is allowed. No costs.

19.11.2025

Index : Yes / No

Internet : Yes/ No

rmi

To

The Sub Registrar,
Sub Registrar Office,
Thevaram,
Theni District.



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G.R.SWAMINATHAN, J.

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