



W.P(MD)No.29786 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.29786 of 2025

1.K.Karuppanan

2.K.Alagu

3.A.Senthurpandi

4.Ukkirapandi

... Petitioners

Vs.

The Sub Registrar,
Alanganallur,
Madurai District.

... Respondent

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 refusal check slip in RFL/Alanganallur/114/2025 dated 10.10.2025 and quash the same and consequently direct the respondent to register the document and release the same within the time fixed by this Court.

For Petitioners : Mr.V.S.Kishok Kumar

For Respondent : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

Heard both sides.

2. Sale deed dated 09.10.2025 was executed in favour of one Babu by the writ petitioner herein purporting to convey their 2/3rd undivided share in the property. The registration was refused on the ground that the executants have only life estate and cannot alienate the property. Challenging the stand of the registering officer, this writ petition has been filed.

3. It is not in dispute that the property belonged to one Karuppanan. He is no more. During his life time, he executed a registered Will dated 03.04.1995 bequeathing life estate in favour of his three sons. The male heir of the sons were to take the property absolutely thereafter. Three sons are Alagu, Thavasi & Karuppanan. Karuppanan has no children. He is 81 years old. Alagu has two sons namely Senthurpandi and Vukkirapandi and they have attained majority long ago. Thavasi is not a party to the transaction. Since Karuppanan has no issue and Alagu joined by his two sons and they are only conveying 2/3rd undivided share in the property, the registering officer need not have any objection.



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4. The learned counsel for the petitioner draws my attention to the decision reported in **(2022) 4 MLJ 632 (Anusha Rajinikanth Vs. District Registrar)**. After referring to the decision of the Hon'ble Supreme Court as well as that of the Madras High Court, I had held that the registering officer ought not to refuse registration by questioning the executant's title. This was taken on writ appeal by the department in W.A.No.1882 of 2023. The Hon'ble Division Bench vide order dated 13.06.2024 dismissed the writ appeal holding that the validity or otherwise of the alienations made by the life estate holder or the right, title and interest cannot be examined by the registering officer and that they are the matters which are within the exclusive jurisdiction of the competent civil Court which has to pronounce upon them on evidence.

5. 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



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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.”

16. In this view of the matter, the impugned refusal check slip is quashed. The petitioners 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.

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Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Alanganallur,
Madurai District.



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G.R.SWAMINATHAN, J.

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