



W.P(MD)No.34041 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.34041 of 2025

1.R.Kathirvelan
2.N.Kanjanabharathi

... Petitioners

Vs.

The Sub Registrar,
Paramakudi,
Ramanathapuram 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 the records related to the impugned proceedings of the respondent/Sub-Registrar, Paramakudi dated 20/11/2025 in Refusal Number RFL/Paramakudi/75/2025 and quash the same and consequently direct the respondent to register the settlement deed dated 06/11/2025 executed by the first petitioner in favour of the second petitioner in respect of the schedule mentioned property and release the same, within a time frame to be determined by this Court.



W.P(MD)No.34041 of 2025

For Petitioners : Mr.N.Dilip Kumar
For Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2.Settlement deed dated 06.11.2025 was executed in favour of the second petitioner by the first petitioner. The document was presented for registration. Registration was refused. Challenging the refusal check slip, this writ petition has been filed.

3.It is seen that the property forming the subject matter of settlement deed dated 06.11.2025 belonged to one Vijaya Lakshmi, mother of the first petitioner. She passed away on 11.07.2010. She was possessed of few other items also. She left behind 3 legal heirs, namely, Kamatchi Devi, Megala Devi and Kathirvelan. Oral partition took place among the three children. It was subsequently reduced into a memorandum of family arrangement. It is well settled that such a memorandum does not require registration.



W.P(MD)No.34041 of 2025

4.Subsequently, Megala Devi executed settlement deed dated 08.10.2016 settling the property which she got in partition in favour of her husband. It was registered as Document No.3572 of 2018. Copy of the settlement deed enclosed in the typed set of papers contains a clear reference to the partition list dated 03.05.2011. The first petitioner himself had earlier executed settlement deed in favour of the second petitioner on 07.08.2017, which was registered as Document No.1826 of 2017. The first petitioner had earlier executed settlement deed dated 27.02.2012 in favour of one Mohideen Musafar which was registered as Document No.1135 of 2012. In the sale deed, the first petitioner traces his title to the partition list dated 03.05.2011.

5.When quite a few transactions had earlier been accepted for registration, there is absolutely no reason to refuse registration of the present settlement deed dated 06.11.2025 executed by the first petitioner in favour of the second petitioner.

6.The impugned refusal check slip requires interference for 3 reasons:



W.P(MD)No.34041 of 2025

a) The memorandum of family arrangement, which is the record of past transaction, does not require registration.

b) On the strength of the said partition, as many as 3 instruments had been executed and they had also been duly registered. In the present settlement deed dated 06.11.2025 also, the first petitioner traces his title to the very same partition list. When the earlier instruments could be registered, there is no reason to take a different view on the present occasion.

c) The Hon'ble Supreme Court in the decision reported in **2025 (2) CTC 777 (K.Gopi Vs Sub Registrar & others)** 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. 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



W.P(MD)No.34041 of 2025

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.”

7.In view of the above, the impugned refusal check slip is quashed. The subject document on presentation shall be registered and released subject to the fulfilment of the other usual formalities. This Writ Petition is allowed accordingly. No costs.

25.11.2025

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

To

The Sub Registrar,
Paramakudi,
Ramanathapuram District.

5/6



WEB COPY



W.P(MD)No.34041 of 2025

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.34041 of 2025

25.11.2025