



W.P.No.3353 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.3353 of 2026

S.Mahalakshmi

.. Petitioner

VS

The Sub Registrar,
Kumarapalayam Sub Registrar Office,
Kumarapalayam,
Namakkal District.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the refusal check slip dated 23.12.2025 bearing Refusal No.RFL/Kumarapalayam/209/2025 and Refusal No.RFL/Kumarapalayam/210/2025 issued by the respondent and quash the same as being illegal, arbitrary and without jurisdiction and consequently direct the respondent to register the gift settlement deed and release deed dated 23.12.2025 presented by the petitioner and release the document forthwith within the time frame fixed by this Court.

For Petitioner : Mr.S.Vadivelan

For Respondent : Mr.U.Baranidharan,
Special Government Pleader



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ORDER

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Asserting title over 627 $\frac{3}{4}$ sq.ft. in Old Survey No.626/1 under registered sale deed dated 28.08.2000 bearing Document No.1866/2000, the petitioner executed a settlement deed in favour of her daughter and presented the same for registration. The request for registration was declined under the impugned refusal check slip.

2. Adverting to the said refusal check slip, learned counsel for the petitioner submits that the pending suit in O.S.No.396 of 2025 was cited therein as the sole ground for refusal.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for the sole respondent. Referring to the impugned refusal check slip, he points out that a deed of conveyance was executed by one Senthamarai in favour of Rajalakshmi under Document No.48 of 2025 in respect of the same property. Consequently, he submits that an enquiry would be held by issuing notices to the parties concerned.

4. On perusal of the impugned refusal check slip, it is noticeable that two reasons for refusal are cited therein. The second reason being the pendency of O.S.No.396 of 2025. Mere pendency



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of a suit is not a bar against registration. As regards the first reason mentioned therein, after the introduction of Section 34c in the Registration Act, 1908, the registering officer has the power to verify the parent document to ascertain whether the executant has the authority to execute the document. In view thereof, re-consideration after issuing notices to parties concerned is warranted. In order to enable the same, the impugned refusal check slip is set aside and the petitioner is permitted to re-present the document for registration within two weeks from the date of receipt of a copy of this order. Upon such re-presentation, the registering officer shall issue notices to parties concerned and thereafter either register the document or issue a speaking order of refusal. These actions shall be carried out within thirty days from the date of re-presentation.

5. This writ petition is disposed of on the above terms. There shall be no order as to costs.

12.02.2026

Index:Yes/No
Neutral Citation:Yes/No
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To
The Sub Registrar,
Kumarapalayam Sub Registrar Office,
Kumarapalayam, Namakkal District.

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SENTHILKUMAR RAMAMOORTHY,J.

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