



W.P.No.7921 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7921 of 2026

and

W.M.P.Nos.8585, 8587 & 8590 of 2026

Santhilaksmi Mahesh

... Petitioner

Vs.

1.Joint Sub Registrar (1), Tiruppur,
District Registrar Office,
Tiruppur – 641 602.

2.U.Samiyappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus,

(a) calling for the records of the 1st respondent's order refusing registration in registration refusal order No.2 of 2025 dated 11.10.2025 and quash the same as arbitrary, illegal, unjust and consequently direct the respondent to register the release deed presented before the 1st respondent on 22.01.2025 bearing pending document No.P11 of 2025,

(b) calling for the records of the 1st respondent's order refusing registration in registration refusal order No.3 of 2025 dated 11.10.2025 and quash the same as arbitrary, illegal, unjust and consequently direct the 1st respondent to register the sale deed entered into by the petitioner and the 2nd respondent presented before the 1st respondent on 29.01.2025 bearing pending document No.P13 of 2025.



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For Petitioner : Mr.R.Harshvardan
For Respondents : Mr.U.Baranidharan
Special Government Pleader [R1]
Notice dispensed with [R2]

ORDER

This Writ Petition has been filed challenging the impugned refusal orders, dated 11.10.2025 passed through order No.2 of 2025 and order No.3 of 2025 by the 1st respondent, refusing to register the release deed as well as the sale deed presented by the 2nd respondent as well as the petitioner respectively for registration.

2. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice on behalf of the 1st respondent. Since no adverse order is passed against the 2nd respondent in this writ petition, notice to the 2nd respondent is dispensed with by this Court.

3. Under both the impugned refusal orders, the reason given by the 1st respondent for refusing to register the said documents is that the petitioner and the 2nd respondent have not produced the legal heirship certificate of the 2nd respondent's grandfather.



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4. The petitioner categorically contends that arbitrarily and illegally without granting an opportunity of hearing to the petitioner, the impugned refusal orders, dated 11.10.2025 passed in Order No.2 of 2025 and Order No.3 of 2025 have been passed by the 1st respondent. The other family members of the 2nd respondent who had shares in the property had released their shares in favour of the 2nd respondent absolutely through a release deed, which was presented for registration. Originally, the entire property was owned by the 2nd respondent's grandfather, who died 70 years back. The 2nd respondent at the time of presentation of release deed for registration had however produced the legal heirship certificate of the 2nd respondent's father and as seen from the same, the 2nd respondent as well as his brothers and siblings are the only legal heirs. The release deed was refused to be registered as seen from the impugned refusal order No.2 of 2025 dated 11.10.2025 by the 1st respondent on the ground that the 2nd respondent did not produce the legal heirship certificate of his grandfather, namely Seeranganayakar, who was the original owner of the property, who died 70 years back. The petitioner claims that the family members of the 2nd respondent's father, which includes the 2nd respondent as well as his siblings are the absolute owners of the property, which is



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the subject matter of release ever since the death of their father. Therefore, according to them, arbitrarily and illegally, the 1st respondent refused to register the release deed on the ground that the 2nd respondent did not produce the legal heirship certificate of the 2nd respondent's grandfather, who died 70 years back.

5. Similarly, the sale deed presented by the petitioner one week subsequent to the release deed by the 2nd respondent for the very same property through which the petitioner had purchased the property from the 2nd respondent has also been refused to be registered by the 1st respondent through the impugned refusal order, dated 11.10.2025 passed through refusal order No.3 of 2025. In the said order as well, the very same reason has been stated that the petitioner has not produced the legal heirship certificate of the 2nd respondent's grandfather, who died 70 years back.

6. The learned counsel for the petitioner has also placed reliance on the decision rendered by the Hon'ble Supreme Court in the case of ***K.Gopi Vs. The Sub-Registrar & Ors.*** in Civil Appeal No.3954 of 2025, dated 07.04.2025 and would submit that the registering officer has no



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adjudicating power to decide whether the executant has got any title or not.

7. Admittedly, no opportunity of hearing was granted to the petitioner by the 1st respondent before passing the impugned refusal orders both dated 11.10.2025. The 1st respondent has also in the impugned refusal orders dated 11.10.2025 had not given due consideration to the contentions of the petitioner as raised in this writ petition. Being a non-speaking order and an order passed in violation of the principles of natural justice, this Court, without expressing any opinion on the merits of the petitioner's representation, deems it fit to quash the impugned refusal orders and remand the matters back to the 1st respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court.

8. Accordingly, the impugned refusal orders, dated 11.10.2025 passed by the 1st respondent are hereby quashed and the matters are remanded back to the 1st respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court. The petitioner shall submit a written explanation along with supporting



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authorities to the 1st respondent stating as to how there is no prohibition for the 1st respondent to register the subject documents, namely the release deed and the sale deed, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said written explanation from the petitioner along with supporting authorities, the 1st respondent shall take a final decision as to whether the subject documents, namely release deed and the sale deed can be registered or not, after hearing the 2nd respondent and after giving due consideration to the documents and the authorities placed on record by the petitioner. The 1st respondent is directed to complete the aforesaid exercise, within a period of four (4) weeks from the date of receipt of the written explanation from the petitioner.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

The Joint Sub Registrar (1), Tiruppur,
District Registrar Office,
Tirupur – 641 602.



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ABDUL QUDDHOSE, J.

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