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W.P.(MD)No.1115 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.1115 of 2023

and

W.M.P.(MD)Nos.1028 and 1029 of 2023

P.Alagupandi

... Petitioner

-VS-

1.The District Registrar,
Madurai North,
Madurai District.

2.The Sub Registrar,
Thamaraipatti,
Office at Chittampatti Village,
Melur Taluk,
Madurai District.

3.Amalraj

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent vide his proceedings in No. 1079/Aa1/ 2022 dated 06.10.2022, confirming the impugned order passed by the second respondent vide his proceedings in pending Document No.70/2021 dated 08.02.2022 and quash the same as illegal and consequently, to direct the respondents to register and release the document registered as pending Document



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No.70/2021, pending on the file of the second respondent within the time that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For R1 and R2 : Mr.F.Deepak
Special Government Pleader

For R3 : Mr.P.Subbiah

ORDER

The Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, calling for the records related to the impugned order dated 06.10.2022 concerning pending Document No.70 of 2021, which was presented on 08.02.2022, to quash the order and, consequently, to direct the respondents 1 and 2 to register and release the document as pending Document No.70 of 2021.

2. Upon hearing the learned counsel for the petitioner and reviewing the materials on record, the petitioner's case is that the property in Survey No.73/1B1, covering 82 cents, located at A.Valayapatti Village, Alagarkovil Road, Melur Taluk, Madurai District, was originally owned by Malayalam. He died intestate, leaving behind three legal heirs: Alagammal, Oyyakkal, and Pothumponnu. The patta is also in the name of the said Malayalam.



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3. According to the petitioner, the legal heirs of Malayalam jointly executed a sale agreement in favour of the petitioner. When the document was submitted for registration, it was initially kept pending, and ultimately, the impugned order was passed refusing registration, which was also upheld by the first respondent. Aggrieved by this, the present Writ Petition has been filed.

4. The learned counsel appearing on behalf of the petitioner submits that when the petitioner, with full knowledge, intends to purchase the property and has paid the amount, the Sub Registrar has no jurisdiction to inquire into the question of title when a sale agreement is presented for registration. However, as if deciding the matter as a Civil Court, intricate questions relating to Patta and title have been examined by the Sub Registrar, and the impugned order has been passed.

5. The learned counsel also argued that the objections regarding the production of parent documents and Patta are unjustified, since the current Patta was produced along with a certified copy of the original document. Therefore, the learned counsel contends, the impugned orders are not sustainable. The learned counsel would also rely on the judgment of the Hon'ble Supreme Court in



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K.Gopi vs. The Sub Registrar and others¹, wherein it has been held that the Sub Registrar cannot venture into questions relating to title.

6. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 2 submits that several petitions and third-party objections had been received regarding the subject property. The Sub Registrar, after considering these and providing detailed reasons, passed the impugned order of refusal. According to him, the refusal was based not only on the ground of title but also on the repeated execution of sale agreements and the failure to obtain Patta in separate names. He further submits that an appeal challenging the refusal check slip was also filed before the Deputy Registrar, which was dismissed.

7. The learned counsel representing the third respondent submitted that Malayalam had previously filed O.S.No.195 of 2012 against the predecessors-in-title of the third respondent before the District Munsif Court, Madurai. During the pendency of the suit, Malayalam passed away, and the executants of the present agreement, namely Alagammal, Oyyakkal, and Pothumponnu, who are his legal heirs, were added as plaintiffs. It is also stated that one of the legal heirs,

¹ 2025 SCC OnLine SC 740



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Alagammal, has since died. Although the suit was for an injunction, the parties raised issues related to title and possession, and the Trial Court ultimately ruled against the vendors of the petitioner, dismissing the suit.

8. It is further submitted that the property was originally sold to Vasudevan Chettiyar, and the Patta was transferred in his name. Subsequently, the property has been dealt with through several registered documents. According to the third respondent, a joint Patta has now been obtained, and several documents are being registered by the alleged executants of the agreement in favour of the petitioner. Therefore, it is argued that the Sub Registrar rightly refused registration.

9. I have examined the rival submissions from both sides and reviewed the materials available on record.

10. Regarding the legal question of whether the Sub Registrar can delve into issues of title, the answer is in the negative. Generally, in such cases, this Court would have quashed the impugned proceedings and granted the relief sought by the petitioner. However, in the present case, some peculiar facts have been noted by the Sub Registrar.



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11. It is observed that, regarding the same property, on 20.06.2014, the same individuals namely, Malayalam, Pothumponnu, and Oyyakkal executed a sale agreement in favour of K.Rajendran. The said Rajendran also submitted an objection stating that further documents should not be registered concerning the property.

12. Furthermore, one Muthaiya, son of Arunachalam, also lodged an objection petition stating that the said Malayalam, Pothumponnu, and Oyyakkal had executed a General Power of Attorney in his favour, bearing Document No. 1438 of 2018 dated 01.10.2018, and had also entered into a sale transaction for a consideration of Rs.14,65,000/-. It is stated that Malayalam and Oyyakkal received the said amount and issued receipts, while Pothumponnu received a sum of Rs.80,000/- and issued a receipt.

13. It is further stated that, according to a Will said to have been executed by Malayalam, another sum of Rs.3,20,000/- was received by his daughters in connection with the sale transaction. Additionally, an objection petition was received from one Amalraj, the third respondent herein. He claims that the



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property was initially sold to Vasudevan Chettiyar and subsequently transferred through several registered documents. He also argues that the Patta obtained by Malayalam was acquired through abuse of process, and that the Civil Court was already handling the matter in O.S.No.195 of 2012. It is now clear that the civil suit was decided against the parties who executed the present agreement and in favour of the third respondent.

14. It is also brought to the notice of this Court that the same persons had executed a sale deed in favour of C.Sivakumar, which was refused registration. Challenging this, the said Sivakumar filed a Writ Petition in W.P.(MD)No.18722 of 2025, which was allowed by this Court in an order dated 04.08.2025. However, when the matter was appealed before the Division Bench in W.A.(MD)No.8 of 2026, the Writ Appeal was allowed, as per the judgment dated 22.01.2026, and the order refusing registration was upheld.

15. In the upshot, it can be seen that the title of the vendors is in serious dispute. With that, they have already executed two sale agreements, and both the agreement holders are objecting to further sale transactions. Third, the Vendors



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have also executed a sale deed in respect of the very same property, which was refused registration and the refusal was also confirmed by the Hon'ble Division Bench of this Court. With that background, the petitioner claims to have entered into the fourth sale transaction and entered into yet another agreement and wants the authorities to simply register the document. This is not a transaction but an abuse. Registration is a solemn act and not a tamasha. It is neither a breeding ground for parties to generate non-existent rights.

16. Thus, this Court is of the opinion that this is not a suitable case to invoke the principle that the Sub Registrar cannot examine questions relating to title, reducing his role to a completely mechanical one, even with reference to the process of registration. Even if the petitioner makes out a legal argument, the facts and circumstances compel the Court not to exercise the equitable jurisdiction and the extraordinary remedy of issuing a Writ under Article 226 of the Constitution of India to aid such a transaction that no reasonable purchaser would consider entering. Useful reference in this regard can be made to paragraphs 44, 59 and 64 of the Judgment of the Hon'ble Supreme Court of India in **Asset Reconstruction Company (India) Limited vs. S.P.Velayutham²**

² (2022) 8 SCC 210



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17. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

12.03.2026

Neutral Citation : Yes

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To:-

- 1.The District Registrar,
Madurai North,
Madurai District.
- 2.The Sub Registrar,
Thamaraipatti,
Office at Chittampatti Village,
Melur Taluk,
Madurai District.



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