



W.P(MD)No.8734 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 09.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.8734 of 2026
and
W.M.P(MD)Nos.7052 and 7055 of 2026

1. Jinthamathar

2. Kannumuthupandi

... Petitioners

Vs.

1. The Sub-Registrar,
O/o. Sub-Registrar,
Tallakulam,
Madurai.

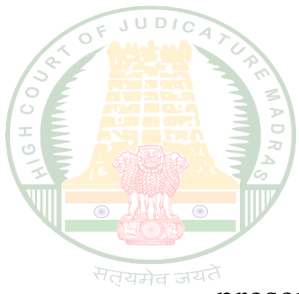
2. Rajalakshmi

3. Syed Mohamed Shasuli

4. Syed Abdul Rahim

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned refusal check slip made by the 1st respondent in RFL/Tallakulam/6/2026 dated 13.02.2026 and quash the same as illegal and consequently direct the 1st respondent to register and release the sale deed in pending Document No. TP/251739762 of



W.P(MD)No.8734 of 2026

presented by the petitioner within the time that may be stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner	: Mr.A.Akbar Ali
For R1	: Mr.S.Vashik Ali
	Government Standing Counsel
For R2	: Mr.K.Guhan
For R3 and R4	: Mr.J.Barathan

ORDER

The writ petition is filed challenging the impugned refusal check slip dated 13.02.2026.

2. When the petitioners being the purchasers presented the sale deed executed in their favour, the same was refused on the ground that the private respondents in the writ petitions had raised objections and that civil suits in respect of the said property were also pending. There is also an order of interim injunction between the parties to the suit and therefore, registration was refused.



W.P(MD)No.8734 of 2026

WEB COPY

3. The learned counsel appearing for the petitioners would submit that the property originally belonged to one M. Syed Abdul Rahim. It is his ancestral property, and he executed a settlement deed in favour of his daughters vide Document No. 4870 of 2010 dated 20.04.2010. The daughters, who obtained the property under the said settlement, namely Mahezarin, Shahin Banu, and Fasiya, have now jointly executed the sale deed in favour of the petitioners for a total sale consideration of Rs. 37,00,000/-, and the same was presented for registration.

4. The learned counsel appearing for the petitioners would further submit that there is no injunction restraining the said vendors from alienating the property. Mere pendency of the suit cannot be a bar for registration of the document.

5. The learned Government Standing Counsel appearing for the 1st respondent would submit that, upon receipt of objections from the private respondents bringing to light various pending proceedings before the Court, the document was refused registration.



W.P(MD)No.8734 of 2026

WEB COPY

6. The learned counsel appearing for the 2nd respondent would submit that the 2nd respondent is a cultivating tenant. The sale itself is not a bona fide transaction but has been made only as an excuse to evict the second respondent unlawfully.

7. The 2nd respondent is in possession of the property in question, and a petition has already been filed to record her as a cultivating tenant before the appropriate authority. The father's name of the second respondent has already been recorded in the tenancy records.

8. The learned counsel appearing for the 3rd and 4th respondents would submit that all four daughters were granted only an undivided share under the settlement deed of the year 2010. Therefore, even if an undivided share is sold, the purchaser cannot insist on any specific extent of land as belonging to them unless the property is partitioned in the manner known to law. Exclusive possession of any specific extent cannot be claimed by the purchaser.



W.P(MD)No.8734 of 2026

WEB COPY

9. I have considered the rival submissions made on either side and perused the material records of the case.

10. The objections raised by respondents 2 to 4 relate to possession. Mere registration of the document will not in any manner divest the rights of the parties relating to possession. With reference to the cultivating tenant, if the same is a fact, the petitioners have to evict them in the manner known to law or contest that the person was never in possession.

11. With reference to respondents 3 and 4, the petitioners are willingly purchasing only an undivided extent of the land. As rightly contended, they have to approach the appropriate court of law for partition and separate possession of the property if they so insist. However, it can be seen that when the property was gifted to the four daughters by a registered settlement deed and they, in turn, are selling the property, there can be no impediment. Mere pendency of the suit will not be a bar to registering the document.



W.P(MD)No.8734 of 2026

WEB COPY

12. In view thereof, this writ petition is ordered on the following terms:-

- i. With the aforementioned observations, the impugned refusal check slip dated 13.02.2026 shall stand set aside.
- ii. The petitioner shall represent the document within a period of three weeks from the date of receipt of the web copy of the order.
- iii. Upon such representation, the same shall be registered if there is no other impediment.
- iv. Needless to mention that, as observed supra, the question of possession can be dealt with as referred supra.
- v. No costs. Consequently, connected miscellaneous petitions are closed.

09.06.2026

Neutral Citation: No
rgm



W.P(MD)No.8734 of 2026

WEB COPY

To

The Sub Registrar,
Office of the Sub Registrar Office,
Devakottai,
Sivagangai District.



WEB COPY



W.P(MD)No.8734 of 2026

D.BHARATHA CHAKRAVARTHY, J.

rgm

W.P(MD)No.8734 of 2026

and

W.M.P(MD)Nos.7052 and 7055 of 2026

09.06.2026