



W.P.(MD)No.10079 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.10079 of 2026

and

W.M.P.(MD)No.7940 of 2026

Sundaram

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli Registration District,
Tirunelveli District.

2.The Sub Registrar,
Valliyoar,
Tirunelveli District.

3.The Manager,
Indian Bank, Ind MSME Branch,
GRR Building, New Bus Stand,
STC Road, Tirunelveli,
Tirunelveli District.

4.J.Karuthiah Jefrin

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the second respondent from registering any document of conveyance or sale certificate with respect to the petitioner's family property of 7.84 acres of land, comprised in Survey No. 1628/1A2 and 1628/1B1B of Part 2 Vadakku Valliyoar Village, Radhapuram Taluk, Tirunelveli District, as a result of any loan recovery proceedings initiated by the third respondent against the fourth respondent as requested in the Protest



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Petition dated 21.01.2026, Receipt No.369/2026, dated 21.01.2026 given by the petitioner to the second respondent.

For Petitioner : Mr.C.Dhanaseelan
For R1 and R2 : Mr.A.Baskaran
Additional Government Pleader
For R3 : Mr.C.Karthick
Standing Counsel

ORDER

The writ petition has been filed seeking issuance of a Writ of Mandamus forbearing the second respondent from registering any document of conveyance or sale certificate in respect of the petitioner's family property measuring 7 Acres and 84 Cents, comprised in Survey Nos.1628/1A2 and 1628/1B1B (Part 2), situated at Vadakku Vallioor Village, Rajapuram Taluk, Tirunelveli District, pursuant to any loan recovery proceedings initiated by the third respondent against the fourth respondent, as requested in the protest petition dated 21.01.2026 (Receipt No.369/2026) submitted by the petitioner before the second respondent.

2. Upon hearing the learned counsel for the petitioner and upon perusal of the materials available on record, the grievance of the petitioner is that he and his family members are the owners of the subject property. It is stated that a civil suit



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in O.S.No.36 of 2024 is pending on the file of the Principal District Munsif Court, Vallioor. According to the petitioner, the property has been mortgaged and subsequently brought to sale under SARFAESI proceedings without any right, title, or interest, and therefore, the entire transaction is null and void. On that basis, the petitioner has lodged objections before the Sub Registrar seeking refusal to register such documents.

3. The relief sought before this Court is to forbear the second respondent from registering any further document of conveyance or sale certificate in respect of the subject property.

4. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the SARFAESI sale has already been concluded and that the sale certificate dated 11.03.2026 has been presented before the Sub Registrar and has also been processed.

5. I have considered the submissions made on either side and perused the materials on record.



6. The learned counsel for the petitioner placed reliance on Rule 55-A of the Tamil Nadu Registration Rules. However, the said provision has already been declared *ultra vires* by the Hon'ble Supreme Court in **K.Gopi vs. The Sub Registrar and others [(2026) 2 SCC 696]**. Paragraphs 18 and 19 of the said judgment squarely answer the claim made by the petitioner. The same are extracted hereunder for ready reference:

"18. 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. We may note here that 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.

19. Once the 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. Thus, it is clear that mere registration of a document by itself will not divest the title of the petitioner, if such title is otherwise established before the Civil Court. The grievance of the petitioner can be redressed only if the Civil Court ultimately renders a finding in his favour. It is always open to the



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petitioner to present the decree of the Civil Court for registration and thereafter, deal with the property, subject to such decree confirming his title.

8. Therefore, while leaving it open to the petitioner to pursue the pending civil suit and to register the decree, if and when it is passed in his favour, the relief sought in the writ petition cannot be granted. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

9. Needless to state, the civil suit in O.S.No.36 of 2024 shall be disposed of as expeditiously as possible by the learned Principal District Munsif, Valliyoor.

NCC : No
smn2

15.04.2026

Copy to:-

The Principal District Munsif,
Valliyoor.



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To

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D.BHARATHA CHAKRAVARTHY, J.

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