



W.P(MD)No.13158 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.13158 of 2024

Ramasubramanian

... Petitioner

Vs.

1. The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar,
Tenkasi District.

2. Pandiselvi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the 1st respondent vide No. RFL/1 Joint Sub Registrar Tenkasi/32/2024, dated 23.05.2024, and to quash the same as illegal and consequently direct the 1st respondent to register the sale deed presented by the petitioner dated 22.05.2024 within time frame as fixed by this court and pass such further or other order as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner

: Mr.A.Balaji

For R1

: Mr.R.Parthiban

Government Standing Counsel

For R2

: Mr.S.Prabhu Rajadurai



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ORDER

The writ petition is filed challenging the impugned refusal check slip dated 23.05.2024.

2. The case of the petitioner is that when the petitioner presented a Sale Deed for registration on 22.05.2024, the same was refused registration by way of the impugned Refusal Check Slip. The reason stated therein is that certain other extents in the very same layout stand in the name of one Pandi Selvi, wife of Guruvaiah.

3. The learned counsel appearing for the petitioner would submit that it is true that the said Pandi Selvi and others had jointly promoted the layout. However, since they were unable to jointly carry on the development, they decided to separately obtain approval from the RERA Authority in respect of the plots allotted among themselves. As far as the present plot is concerned, the same was not allotted to the share of Pandi Selvi, and after obtaining due approval from the RERA Authority, the present Sale Deed was presented for registration. Insofar as Pandi Selvi is concerned, through her power agent, G.G. Bharathidasan, she had also obtained approval in respect of the plots allotted to her share.



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4. Per contra, the learned Government Standing Counsel appearing on behalf of the 1st respondent would submit that since the title in respect of the land has not been demarcated through any duly registered document allotting the respective plots to the concerned persons, and as the private respondent is also claiming co-ownership, the document was not registered.

5. The learned counsel appearing on behalf of the 2nd respondent would submit that, in the present case, it cannot be said that the title of Pandi Selvi in respect of the plot in question has been divested by any valid document. As a matter of fact, mere approval granted by the RERA Authority will neither create nor vest title where none otherwise exists. Therefore, the same cannot be construed to mean that the 2nd respondent has no subsisting claim of title.

6. I have considered the rival submissions made on either side and perused the materials available on record.



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7. It is true that the RERA Authority is not concerned with questions of title; it grants approval of layouts by considering the requirements prescribed under the statute. Merely because approval has been granted by the RERA Authority, it would not divest or extinguish the title of any person. The same principle applies to registration as well. If there is any dispute with reference to title, it will always be open to the 2nd respondent to approach the competent Civil Court and establish her claim. However, when the plots have already been separately dealt with by the parties and approved accordingly, registration need not be refused on that ground.

8. In view of the above, the reasons contained in the impugned Refusal Check Slip cannot be sustained.

9. This writ petition is ordered on the following terms:-

- i. The impugned Refusal Check Slip dated 23.05.2024 is set aside.
- ii. Within a period of three weeks from the date of receipt of a web copy of this order, the petitioner may re-present the document for



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registration, upon which the same shall be registered, provided there is no other legal impediment.

iii. The registration of the document pursuant to the setting aside of the Refusal Check Slip shall not, in any manner, prejudice or affect any claim that may be made by the 2nd respondent in respect of the property conveyed thereunder. The liberty of the 2nd respondent to approach the competent Civil Court and work out her remedies in accordance with law is kept open.

16.06.2026

Neutral Citation: No
rgm



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D.BHARATHA CHAKRAVARTHY, J.

rgm

To

The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar,
Tenkasi District.

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