



WP(MD)No.14166 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 13.05.2026

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP(MD)No.14166 of 2026

and

WMP(MD)No.10575 of 2026

K.Mohamad Syed Ali

... Petitioner

Vs.

1. The District Registrar,
Thoothukudi District,
Thoothukudi.

2. The Sub-Registrar,
No.1 Joint Sub-Registrar,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip No. RFL/1/Joint Sub Registrar Thoothukudi / 99 / 2026 dated 05.05.2026 and quash the same, and consequently direct the 2nd Respondent to register the Sale Deed presented by the Petitioner, within a time frame to be fixed by this Court.



WP(MD)No.14166 of 2026

For Petitioner : Mr.B.Sargunam
For R1 & R2 : Mr.T.Amjadkhan
Government Advocate

ORDER

Challenging the Refusal Check Slip No.RFL/1/Joint Sub Registrar
Thoothukudi / 99 / 2026 dated 05.05.2026, issued by the 2nd respondent,
this writ petition is filed.

2. Mr.T.Amjadkhan, learned Government Advocate takes notice
for the respondents.

3. Learned counsel for the petitioner submitted that the petitioner entered into a lawful transaction for purchase of the schedule-mentioned property from one Kumar S/o. Raja Durai and in furtherance thereof, he presented a sale deed dated 05.05.2026 before the Sub Registrar, Thoothukudi, for registration in accordance with law. However, the 2nd respondent refused to register the document and issued the impugned refusal check slip, citing a third-party objection petition filed by one Shanthi, alleging that the property had been fraudulently dealt with in earlier transactions and that she was wrongly shown as deceased.



WP(MD)No.14166 of 2026

Learned counsel further submitted that the said objection is wholly extraneous to the present transaction. Even assuming that the said Shanthi has any grievance, her remedy lies only before a competent Civil Court against the concerned parties and not before the registering authority. The duty of the Sub Registrar is purely administrative and limited to verifying compliance of requirements under the Registration Act and therefore, the impugned refusal is arbitrary and liable to be set aside. In support of his contention, he relied upon a decision of this Court in W.P(MD)No.68 of 2025, dated 03.01.2025 [Jose v. The Sub Registrar, Thoothukudi].

4. Heard both sides and perused the materials available on record.

5. Perusal of the impugned refusal check slip shows that one Shanthi made an objection on 04.09.2025 stating that two other persons are claiming right over the subject property and the name of the person who wants to execute sale deed, does not find place in the patta of the subject property. Based on the said objection, the 2nd respondent issued the impugned refusal check slip directing the petitioner to approach the



WP(MD)No.14166 of 2026

civil court and get declaration of title for registration of the subject property.

6. As rightly contended by the learned counsel for the petitioner, if the property does not belong to the vendor who executed the sale deed and it belongs to someone else, the real owner may file a suit, before the appropriate Court, to set aside the document. Further, by any deed of conveyance executed by a person who had no right over the property that is conveyed, no right is conveyed. In such cases, the purchaser takes the risk of losing his money. But on that ground, the registering authority cannot refuse to register and return the document. Therefore, the action of the 2nd respondent in refusing to register on the ground that the petitioner has to get a declaration of title for registration of the subject property, is not legally sustainable. It is not for the registering authority to verify as to whether the vendor in the sale deed has a right to convey the property mentioned therein.

7. In view of the above, this Court finds infirmity in the order passed by the respondent, dated 05.05.2026 and it cannot be sustained and liable to be quashed.



WP(MD)No.14166 of 2026

WEB COPY

8. Accordingly, the impugned Refusal Check Slip No. RFL/1/Joint Sub Registrar Thoothukudi / 99 / 2026 dated 05.05.2026 issued by the 2nd respondent is quashed and the writ petition is allowed. The 2nd respondent is directed to register the sale deed, which was presented for registration by the petitioner, forthwith and release the same if it is otherwise in order. No costs. Consequently, connected miscellaneous petition is closed.

13.05.2026

Index : Yes / No
Neutral Citation : Yes / No
bala

To

1. The District Registrar,
Thoothukudi District,
Thoothukudi.

2. The Sub-Registrar,
No.1 Joint Sub-Registrar,
Thoothukudi District,
Thoothukudi.



WEB COPY



WP(MD)No.14166 of 2026

G.K.ILANTHIRAIYAN, J.

bala

ORDER MADE IN
W.P(MD)No.14166 of 2026
DATED : 13.05.2026