

W.P.(MD)No.8002 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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| Date of Reserving the Order | Date of Pronouncing the Order |
|-----------------------------|-------------------------------|
| 07.04.2026                  | 16.04.2026                    |

CORAM :

**THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD)No.8002 of 2026**  
**and**  
**W.M.P.(MD)No.6544 of 2026**

Laxmi

... Petitioner

Vs.

1.The Inspector General of Registration,  
Chennai.

2.The District Registrar,  
Kanyakumari District.

3.The Sub-Registrar,  
O/o.The Sub Registrar,  
Manavalakurichi,  
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the third respondent in Refusal No.RFL/Manavalakurichi/9/2026 on 29.01.2026 and quash the same as illegal and consequently, to direct the third respondent to register the settlement deed dated 28.01.2026 executed by the petitioner in respect of the land with an extent of 8 cents (323.76 sq. meter) in Survey No.64/4A at Vellimalai Village, Kalkulam Taluk, Kanyakumari District.



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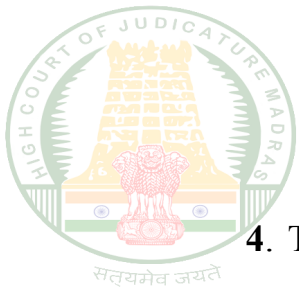
For Petitioner : Mr.K.Navaneetharaja  
For Respondents : Mr.A.Baskaran  
Additional Government Pleader

### **ORDER**

This writ petition challenges the impugned refusal check slip dated 29.01.2026.

2. The petitioner presented a sale deed dated 28.01.2026 for registration. The recitals of the sale deed state that the petitioner, Laxmi, is the wife of Murugan. Murugan purchased the scheduled property by a registered sale deed dated 23.03.2009. He died intestate on 18.08.2014, leaving behind his wife, Laxmi, and three children, Mukesh, Mukila, and Tharani, as well as his mother, Thangam.

3. After the death of her husband, this property and other ancestral properties were pooled together and enjoyed as a Hindu Undivided Family by her and her children. She is the Kartha of the family. To meet the marriage expenses of her younger daughter, Tharani, it is necessary for her to sell the property, and accordingly, she is executing the sale deed.



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4. The Sub-Registrar, by the impugned order, refused registration on the ground that, as per the legal heirship certificate produced, the others have to join in execution of the sale deed.

5. Though the Sub-Registrar cannot go into questions of title, if the executant makes *ex facie* untenable recitals regarding the title. It can be seen that when the self-acquired property vested individually on all the Class-I heirs, including the mother of the deceased. It is claimed that, leaving her out, others again constituted a Hindu Undivided Family.

6. Not stopping there, the Hindu widow claims that she has now become the coparcener and Karta of her husband's joint family. The Hon'ble Supreme Court of India, in **Shreya Vidyarthi vs. Ashok Vidyarthi and others**<sup>1</sup> has held in clear terms that there can be no doubt that a Hindu widow is not a coparcener in her husband's HUF and, therefore, cannot act as Karta of the HUF after her husband's death.

7. It is true that the Sub-Registrar has no remit to go into the title like a Civil Court and determine the rights of the parties. If a party says, "I am not the owner of the property yet; let me sell the property," and the Sub-Registrar still

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<sup>1</sup> (2015) 16 SCC 46



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has to register the document, then it would reduce the registration process to a purely mechanical one. The Hon'ble Supreme Court of India in **Asset**

**Reconstruction Company (India) Limited vs. S.P.Velayutham and others<sup>2</sup>**

held as follows:

*"64. .... we are of the considered view that the Division Bench of the High Court was not right in setting aside the order of the learned Single Judge. If the registering officer under the Act is construed as performing only a mechanical role without any independent mind of his own, then even government properties may be sold and the documents registered by unscrupulous persons driving the parties to go to civil court. Such an interpretation may not advance the cause of justice. (Emphasis supplied)*

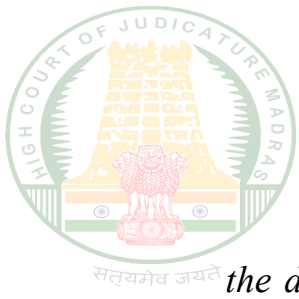
8. However, the learned counsel *Mr.K.Navaneetharaja* would place strong reliance on the Judgment of the Hon'ble Supreme Court of India in **K.Gopi vs. The Sub-Registrar and others<sup>3</sup>**. It is true that the Hon'ble Supreme Court of India had in Paragraphs 18 and 19, held as follows:

*"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.*

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2 (2022) 8 SCC 210

3 (2026) 2 SCC 696 : 2025 INSC 462



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**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."*

9. It can be seen that observations are made to the extent that even if an executant executes a sale deed or a lease deed in respect of a land 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. It is further held that if the executant has no right, title or interest in the property, the registered document cannot effect any transfer. But it must also be seen that the Court was interpreting the import of Rule 55-A. In Paragraph 17, the Hon'ble Supreme Court of India has observed as follows :

*"17. .... In a sense, power has been conferred on the registering officer to verify the title of the executant. ...."*

10. The Hon'ble Supreme Court of India held that 55A(i) was inconsistent with the provisions of the 1908 Act. The rule-making power cannot be exercised to make a rule that is inconsistent with the Act. The Act has since been amended



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by introducing Section 34(c), with identical wording as Rule 55-A. As of the date, the same is in the statute book. Therefore, the contention of the petitioner cannot be accepted.

11. Even otherwise, the jurisdiction of this Court under Article 226 of the Constitution of India is equitable and cannot be exercised to grant relief in a manner that defeats the rights of the deceased Murugan's old mother. The process of law for registration of documents and the writ jurisdiction cannot be abused to grab property and defeat the rights of others. This purchaser making this kind of purchase is simply shocking the conscience of the Court.

12. For all the above reasons, no relief can be granted. The Writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

**16.04.2026**

NCC : Yes  
smn2



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- To
- 1.The Inspector General of Registration,  
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  - 3.The Sub-Registrar,  
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**D.BHARATHA CHAKRAVARTHY, J.**

smn2

**Pre-delivery order in**

**W.P.(MD)No.8002 of 2026**

**16.04.2026**