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WP No.31932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.31932 of 2026

and

WMP Nos.35123 and 35124 of 2026

Jaya

W/o.Vediyappan,
Kottamdu Village,
Nallkutlahalli Post,
Pappireddipatty Taluk,
Dharmapuri District.

..Petitioner(s)

Vs

The Sub Registrar
Pappireddipatti,
Dharmapuri District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records pertaining to the Refusal Check Slip in Refusal No.RFL / Pappireddipatti/ 1 /2026 dated 29.01.2026 and to quash the same as illegal, incompetent and ultra vires and consequently direct the Respondent to register the sale deed dated 29.01.2026.

For Petitioner(s): Mr.K.Balakrishnan

For Respondent(s): Mr.Dominic S.David
Special Government Pleader

ORDER

The present writ petition is filed challenging the refusal check slip dated 29.01.2026 whereby settlement deed presented for registration was rejected *inter alia* on the premise that there are joint patta entries in respect of the same



property and that the settlement deed covers the entire extent of law covered by the patta. There is also apparently partition deeds in respect of the very same property. The respondent has apparently doubted the title of petitioner and has issued the refusal check slip.

2. At this stage, it may be relevant to refer to the decision of the Division Bench of this Court in W.P. No.23682 of 2025 dated 28.10.2025 wherein this Court has uttered caution in entertaining writ petitions wherein challenge is made to refusal check slip. The relevant portions of the order reads as under:

“13. Pertinently, at the initial stage of issuance of a refusal slip by Registering Authority, civil rights or right of the presentant of a document for registration cannot be determined either by Registering Authority or by Writ Court. It is a preliminary stage, where they are bound to call for explanation from the presentant of document, along with supportive documents, if any, and an adjudicatory process is to be undertaken to arrive a final decision, enabling an aggrieved person to approach the Appellate Authority and thereafter Civil Court under Sections 72 and 77 of the Act respectively.”

3. Learned counsel for petitioner on the other hand would submit that the reasons in the refusal check slip borders on an enquiry with regard to the title in respect of subject property. He would submit that the respondent would have no adjudicatory power to decide whether the executor has any title. He would then



place reliance on the judgment of the Supreme Court in ***K.Gopi vs. The Sub-Registrar and others*** reported in ***AIR 2025 SC 1800***, wherein the role of Registering Officer was explained and it was *inter alia* held that his power does not extend to make an enquiry with regard to the title of the executor. The above judgment has also been followed by this Court repeatedly and also by the Division Bench of this Court in W.P. No.23682 of 2025 vide order dated 28.10.2025, wherein it was held as under:

“ 14. Under Sections 71 and 72 of the Registration Act, neither the Registering Authority nor the Appellate Authority is empowered to decide title, ownership, or civil rights between the parties. Extent of inquiry is to be confined so as to find out whether document presented under the Act can be registered or to be refused. Therefore, Registering Authority is not empowered to go into merits of the case and decide title, ownership, or civil rights between the parties.

*15. Any inquiry or findings made thereunder are to be confined only to an extent of registration of a document, and findings by Registering Authority or Appellate Authority cannot be taken into consideration for the purpose determining civil rights between the parties. The Hon'ble Supreme Court of India in **K Gopi vs. The Sub Registrar and Others** paragraph 15 of the judgment reads as under:*



“15. 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. 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.

16. Therefore, it is amply clear that the competent authorities under Registration Act have no jurisdiction to adjudicate title, ownership, or decide civil rights between parties. Any reference or findings made relating to a document presented for registration or supportive documents are considered only for the limited purpose of establishing a right to register document under the Registration Act. Any findings made by competent authority would not affect the rights of parties to establish their case



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independently before Civil Courts based on documents and evidences available on record.”

(emphasis supplied)

4. Since the writ petition has been filed against the refusal check slip, this Court finds it appropriate that the petitioner represents the settlement deed along with her response to the reasons set out therein. If the settlement deed is represented along with response to the reasons contained in the refusal check slip, the same shall be considered by respondents keeping in view the observations of this Court including the Division Bench of this Court (*supra*) wherein the contours of power of the registering authority has been explained and registered, if it is otherwise in order.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

13-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MKA

To:
The Sub Registrar
Pappireddipatti,
Dharmapuri District.



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MOHAMMED SHAFFIQ J.

MKA

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