



Writ Petition No.10333 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.10333 of 2025

K.Ramalingam
S/o.Krishnan

... petitioner

Vs

1. The Inspector General of Registration
Santhome High Road
Chennai-600 028.
2. The District Registrar (Admin)
Santhaimedu
Gingee Road
Tindivanam
Villupuram District.
3. The Joint II Sub Registrar
Tindivanam
Old Court Campus
Nehru Street
Tindivanam
Villupuram District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Cetiorarified Mandamus calling for the entire records on the file of the third respondent in pursuance of the



Writ Petition No.10333 of 2025

refusal number bearing "RFL/2 எண் இணை சார்பதிவாளர் திண்டிவனம் 1/2025 dated 27.01.2025 and quash the same and consequently, direct the respondents to register the settlement deed executed by the petitioner to and in favour of his wife.

For Petitioner : Mr.G.Baskar
For Respondents : Mr.U.Baranidharan
Special Government Pleader

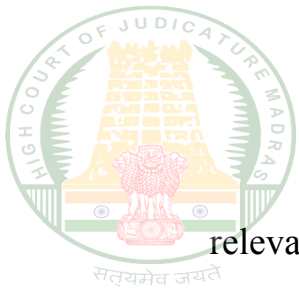
ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent dated 27.01.2025 and for a consequential direction to the third respondent to restore the settlement deed executed by the petitioner in favour of his wife.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The third respondent issued the impugned refusal check slip on the ground that there is more than one owner shown in the Encumbrance Register.

4. In the considered view of this court, the third respondent cannot go into the title dispute in the view of the judgment of Hon'ble Supreme Court in Civil Appeal No.3954 of 2025 dated 07.04.2025 and



relevant portion is extracted hereunder:

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'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 any 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, assuming that there is a power under Section 69 of the 1908 Act to frame the Rules, Rule 55A(i) is inconsistent with the provisions of the 1908 Act. Due to the inconsistency, Rule 55A(i) will have to be declared ultra vires the 1908 Act. The rule-making power under Section 69 cannot be exercised to make a Rule that is inconsistent with the provisions of the 1908 Act. Rule 55A(i) is accordingly declared as ultra



Writ Petition No.10333 of 2025

vires the 1908 Act.'

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5. In view of the above, the impugned refusal check slip issued by the third respondent is hereby quashed and there shall be a direction to the third respondent to register the settlement deed, if it is otherwise in order.

The Writ Petition is allowed in the above terms. There shall be no order as to costs.

17.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

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Writ Petition No.10333 of 2025

N.ANAND VENKATESH, J

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Writ Petition No.10333 of 2025

17.04.2025