



WP NO. 20288 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP NO. 20288 of 2025

V.Dinesh Kumar
S/o.Late.N.Vedachalam,
New Door No.183, Old Door No.60,
Maduraisamy Madam Street,
Perambur, Chennai-600 011

Petitioner(s)

Vs

1. The Inspector General Of Registration
Office Of The Inspector General Of Registration, No.100,
Santhome High Road, Chennai-600 004
2. The District Registrar-chennai North
Office Of The District Registrar, Rajaji Salai Chennai-600 001.
3. The Sub Registrar-ambattur
Office Of The Sub Registrar,
Ambattur Villivakkam Panchayat
Union Complex, Dunlop, Ambattur,
Chennai-600 053

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to register the Settlement Deed dated 12.02.2025 as kept as pending document No.P/Ambattur/20/2025 on the file of the 3rd respondent and to release the Registered document to the petitioner within a time frame fixed by this Court.

For Petitioner(s) : Mr.T. Sundar Rajan

For Respondent(s): Mr. Stalin Abimanyu, AGP



ORDER



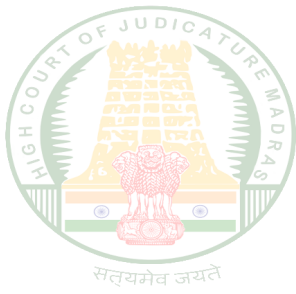
By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

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2. The present Writ Petition is filed praying for issuance of a Writ of Mandamus to direct the respondents to register the Settlement Deed dated 12.02.2025 kept as pending document No.P/Ambattur/20/2025 on the file of the 3rd respondent and to release the Registered document to the petitioner within a time frame fixed by this Court.

3. It is submitted by learned counsel for petitioner that the Settlement Deed presented before the 3rd respondent was refused to be registered on the premise that the original sale deed, on the basis of which, the settlors claim, title, has been lost and citing the above reason, the Settlement Deed presented for registration was kept pending till date.

4. Learned counsel for petitioner would place reliance upon the Circular issued by the Office of the Inspector General of Registration, Chennai in Lr.No.44420/C1/2024, dated 28.04.2025, wherein, instructions were given to the Registering Officers in the light of the judgment delivered by the Hon'ble Apex Court in **Civil Appeal No.3954 of 2025** on 07.04.2025 in the case of **K. Gopi v. Sub-Registrar**, reported in **2025 SCC OnLine SC 740**, wherein Rule 55A of Registration Rules was found to be ultra vires in the Registration Act, 1908 not to insist on original documents/title deeds. The relevant portion of the judgment is extracted hereunder:



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“13. In contrast, Rule 55A empowers the registering officer to refuse registration unless the presentant produces the original deed by which the executant acquired rights over the subject property and an encumbrance certificate pertaining to the property, obtained within ten days from the date of presentation. If the original deed is not available due to its antiquity, the registration of the presented document will be refused unless the presenter produces a revenue record that evidences the executant's right over the subject property. If the original deed is lost, the document cannot be registered unless a non-traceable certificate is issued by the police department along with an advertisement published in the local newspaper, giving notice of the loss of the previous original deed.

14. In short, Rule 55A provides that unless documents are produced to prove that the executant has a right in respect of the property subject matter of the instrument, the registration of the same shall be refused. Thus, if a sale deed is presented for registration, documents must be produced to demonstrate that the executant has acquired ownership of the property. In a sense, power has been conferred on the registering officer to verify the title of the executant. Unless documents are produced evidencing title as required by Rule 55A(i), registration of the sale deed shall be refused.

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



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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 vires the 1908 Act.

17. As the writ petition filed by the appellant was dismissed by the High Court, relying on Rule 55A(i), and since Rule 55A(i) is held to be invalid, the impugned judgments must be quashed and set aside. Ordered accordingly.”

5. Learned counsel for the petitioner drew the attention of this Court to para (4) of the Circular, which reads as follows:

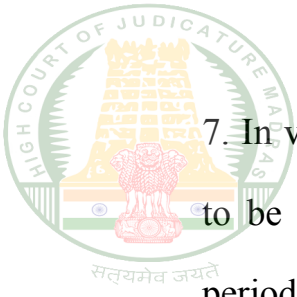
“Circular

Lr.No.44420/C1/2024. DT. 28.04.2025

.....

(4) In other words the Registering Officer shall not insist production of Original Previous documents or Non-Traceable Certificate from the Police Department or Encumbrance Certificate and other Revenue details from the Registrants.”

6. The learned Addl. Govt Pleader appearing for the respondents, at this stage would submit that the petitioner may re-present the Settlement Deed and the same would be registered, if it is, otherwise in order which was agreed to by the learned counsel for the petitioner.



7. In view thereof, the third respondent shall register the Settlement Deed stated to be kept pending and release the same, if it is otherwise, in order within a period of two weeks from the date of uploading of the web copy without waiting for the receipt of certified copy of the order.

8. With the above direction, this writ petition is disposed of. No costs.

12-06-2025

Index:yes/no
Internet:yes/no
msr

To

1. The Inspector General Of Registration
Office Of The Inspector General Of Registration, No.100,
Santhome High Road, Chennai-600 004

2. The District Registrar-chennai North
Office Of The District Registrar,
Rajaji Salai Chennai-600 001.

3. The Sub Registrar-ambattur
Office Of The Sub Registrar, Ambattur,
Villivakkam Panchayat Union Complex,
Dunlop, Ambattur, Chennai-600 053



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