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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN**

WA No. 2130 of 2024

Thulasimani

Appellant(s)

Vs

1.The Joint Registrar-II
Erode District

2.Selvaraj

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 23.02.2024 in WP.No.36334 of 2023.

For Appellant(s): Mr.P.K.Harinath Babu

For Respondent(s): Mr.U.Baranidharan, SGP
For R1
Mr.C.Prakasam For R2



J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

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Under assail is the writ order dated 23.02.2024 passed in W.P.No.36334 of 2023. Writ petitioner is the appellant before this Court.

2. The appellant presented a sale deed for registration. The Registering Authority/Sub-Registrar issued a refusal slip on the ground that the presentant of the document relied on a settlement which was registered based on the partition deed. Thus, the Registering Authority could not ascertain the rights of the presentant of the sale deed and therefore, issued the refusal check slip.

3. The refusal check slip came to be challenged by way of writ petition. The Writ Court dismissed the writ petition on the ground that the reason furnished in the refusal check slip is sustainable, since the appellant could not establish his right to execute the sale deed and present the same for registration.



4. The learned counsel for the appellant would submit that a civil suit is pending between the parties.

5. The learned counsel appearing on behalf of the 2nd respondent would oppose by stating that the suit for specific performance instituted by the appellant is pending. Thus, the refusal check slip has been rightly issued by the Registering Authority.

6. This Court has heard the rival submissions made between the parties to the *lis* on hand.

7. Refusal slip issued by the Registering Authority per se would not provide a cause for institution of writ proceedings. The refusal slip is not a final decision of the Registering Authority under the provisions of the Registration Act, 1908. Therefore, no writ would be entertainable against the refusal slip.

8. Under the scheme of the Registration Act, on receipt of a refusal slip, the presentant of the document/aggrieved person has to submit their



explanations along with the documents, if any, and the Registering Authority is bound to conduct an inquiry by affording opportunity to the parties and pass a reasoned order.

9. The said reasoned order passed under Section 71 of the Registration Act is appealable under Section 72 of the Act. Thus, an aggrieved person would get an opportunity to adjudicate the issues on merit before the Registering Authority at the first instance and thereafter before the Appellate Authority under Section 72 of the Act.

10. If the grievances of an aggrieved person has not been redressed even before the Appellate Authority, then they have to institute a suit under Section 77 of the Act. The scheme under the Act contemplates that the adjudications are to be made only in the context of registration of an instrument/document under the Registration Act. Neither the Registering Authority nor the Appellate Authority nor the High Court in exercise of writ jurisdiction can adjudicate the civil rights between the parties.



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11. Civil rights are to be established in a trial nature proceedings before the Competent Civil Court of Law. Disputed facts cannot be adjudicated in a writ proceeding. The scope of adjudication cannot be expanded by the Registering Authority to crystallise the civil rights between the parties.

12. The inquiry or adjudication by the Registering Authority or the Appellate Authority needs to be confined to the context of the rights to be established for the purpose of executing a document and registering the same under the Registration Act and the Rules framed thereunder.

13. Therefore, the decision of the learned Single Judge in the impugned order cannot be said to be infirm. However, an aggrieved person has to exhaust the statutory remedies contemplated under the Act i.e., under Section 71, 72 and 77 of the Act.

14. In view of the above factum, the appellant/writ petitioner is at liberty to submit their explanations along with the documents, if any, to the Registering Authority/Sub-Registrar, who in turn shall conduct an inquiry and



pass a reasoned order under Section 71 of the Act.

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15. If the appellant is still aggrieved after passing an order by the Registering Authority, they may prefer an appeal under Section 72 and thereafter institute a suit under Section 77 of the Act. The remedies contemplated under the Act are to be scrupulously followed and to be exhausted.

16. With these observations, the Writ Appeal stands disposed of. No costs.

(S.M.SUBRAMANIAM J.)(V.LAKSHMINARAYANAN J.)

31-10-2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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To
The Joint Registrar-II
Erode District



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**S.M.SUBRAMANIAM J.
AND
V.LAKSHMINARAYANAN J.**

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