



W.A.No.2202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.2202 of 2024

K.P.Raja,
S/o.K.T.Ponnusamy Gounder,
Periyakurumbapalayam,
Kurichi Village,
Bhavani Taluk,
Erode District.

... Appellant / Petitioner

Vs.

1.The District Registrar,
Registration Department,
District Registration Office,
Erode District.

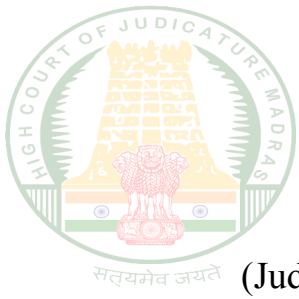
2.The Sub Registrar,
Ammapettai Registration Office,
Bhavani Taluk,
Erode District.

... Respondents / Respondents

Prayer: Appeal under Clause 15 of the Letters Patent, against the Order dated 04.03.2024 passed in W.P.No.5661 of 2024.

For Appellant : Mr.S.P.Yuaraj
For Respondents : Mr.U.Baranidharan
Special Government Pleader

JUDGMENT



W.A.No.2202 of 2024

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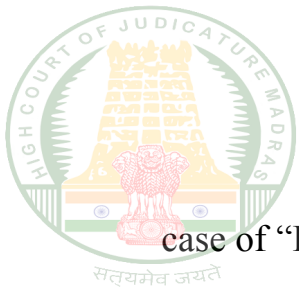
(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Appellant herein instituted writ proceedings challenging the refusal check slip dated 29.11.2023 issued by the 2nd Respondent, refusing to register the documents presented by the Appellant/Writ Petitioner for registration of Partition Deed.

2. The Appellant/Writ Petitioner presented the documents for registration on 29.11.2023. However, the Registering Authority refused to register the same on the ground that the Appellant/Writ Petitioner failed to produce the Original Title Deed (Original Parent Document), which is required as per Rule 55-A of Registration Rules, 1908.

3. The Rule contemplates that the Original Title Deed (Original Parent Document) has to be produced at the time of registration by the presentant. However, in certain cases, old Original Title Deed (Original Parent Document) may not be available and the Court adopted a pragmatic approach interpreting the rule, that it would suffice if the certified copy of the Title Deed has been produced by the presentant for registration of documents under the Registration Act, 1908.

4. The said position has been upheld by the Hon'ble Supreme Court in the



case of “**K.Gopi Vs. Sub-Registrar and others**, reported in **2025 SCC OnLine**

WEB SC 740/2025 (2) CTC 777”. In Paragraph Nos.13 to 17, the Hon'ble Supreme

Court held as under:-

- “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*



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W.A.No.2202 of 2024

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.

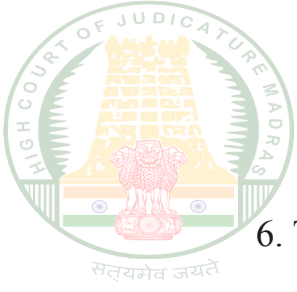
- 16. Therefore, assuming that there is a power under Section 69 of the 1908 Act to frame the Rules, Rule 55A(i) is inconsistent with the provisions of the 1908 Act. Due to the inconsistency, Rule 55A(i) will have to be declared ultra vires the 1908 Act. The rule-making power under Section 69 cannot be exercised to make a Rule that is inconsistent with the provisions of the 1908 Act. Rule 55A(i) is accordingly declared as ultra 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. Pursuant to the Judgment of the Hon'ble Supreme Court, a Circular has been issued by the Registration Department in **Lr.No.44420/C1/2024** dated **28.04.2025**. The relevant portion of the Circular is extracted hereunder:-

*“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.”



W.A.No.2202 of 2024

6. Therefore, it would be suffice if the certified copy of the Title Deed has been produced by the presentant before the Registering Authority for registration of documents.

7. Learned counsel for the Appellant/Petitioner would submit that the certified copy of the Title Deed has been produced before the Registering Authority even at the time of presenting the documents under Section 17 of the Registration Act, 1908.

8. That being so, the Impugned Order of the Writ Court as well as the refusal check slip are set aside and the Writ Appeal stands allowed.

9. The Appellant/Writ Petitioner is at liberty to approach the Registering Authority and produce the certified copy of the Title Deed and comply with the other requirements as contemplated under the Registration Act and Rules, 1908.

10. On such compliance, the Registering Authority is directed to register the document by following the procedures. No costs.



W.A.No.2202 of 2024

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[S.M.S., J.]

[C.S.N., J.]

04.09.2025

Neutral Citation : Yes / No

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To:

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Registration Department,
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Erode District.
- 2.The Sub Registrar,
Ammapettai Registration Office,
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Erode District.

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