



WEB COPY

WA No. 2436 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 2436 of 2025
& CMP.Nos.18701 & 22545 of 2025**

1. C.Ramasamy
S/O.Chinna Gounder,
2/114 Reddipatti Katoor, Kurumbapatti,
Edappadi Taluk, Salem-637102

2. Manickam
S/O.Mani, 5/66, C.Thanamoorthiyur,
Kurumbapatti Edapaddi Taluk, Salem-
637 105

Appellant(s)

Vs

1. The Sub Registrar
Edappadi, Salem District

2.Mohammed Sheriff
S/O.Sheik Hamid, No.105,
Bodinayakam, Anai Perur East,
Edappadi Taluk, Salem -637 105



Respondent(s)

WEB PRAYER

To set aside the order passed by this Court dated 04.04.2025 passed in WP.No.7530 of 2025 and thus render justice.

For Appellant(s): Mr.M.Santhanaraman

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader for R1
Ms.B.Rathika for R2

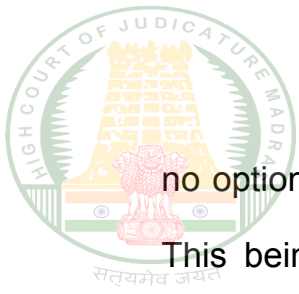
ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ petitioners are the appellants herein. The 2nd respondent herein preferred a writ petition challenging the refusal check slip, dated 05.11.2024 issued by the Sub Registrar, Edapaddi.

2. Learned counsel for the appellants would mainly contend that the judgement and decree of the year 1963 passed by the Civil Court in OS.No.910 of 1961, dated 15.02.1962 came to be registered in the year 2024 under the Registration Act. The said registration resulted in infringement of civil rights of the appellants. The registration per se is illegal, in view of the fact that the certified copy of the said judgment and decree came to be registered only in the year 2023.

3. Learned Special Government Pleader would oppose by stating that, when there is cloud in respect of title between parties, the Sub Registrar has



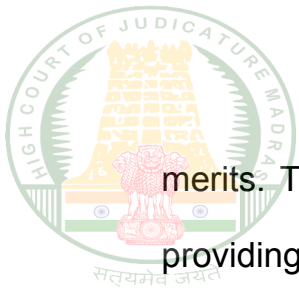
no option, but to relegate them to approach the competent Civil Court of law.

This being the settled legal position, there is no infirmity in respect of the refusal check slip issued, which is impugned in the writ proceedings.

4. Disputed facts relating to civil rights cannot be decided by the Writ Court under Article 226 of the Constitution of India. Learned counsel for the 2nd respondent would submit that a civil suit in OS.No.52 of 2025 has been instituted on the file of the District Munsif Court, Edapaddi.

5. May that as it be, this Court is of the considered view that, there exist a dispute relating to civil rights between parties. Neither the registering authority nor the High Court in exercise of the powers of the Judicial Review is expected to give any finding, and in the event of any such adjudication or finding, it may result in causing prejudice to anyone of the party. Contrarily, all such disputes are to be adjudicated before the Civil Court based on documents and evidences available on record.

6. However, in the present case, the learned counsel for the appellants would submit that the appellants may be permitted to prefer a statutory appeal under Section 72 of the Registration Act. It is left open to the appellants to prefer an appeal in the manner contemplated under the Act and Rules framed therein. In the event of preferring of any such statutory appeal, the period during which the writ petition has been pending, is to be taken into consideration for the purpose of condoning the delay and decide the issues on



merits. The appellate authority shall consider the issues independently after providing opportunity to all the parties and pass orders uninfluenced by the observations, if any made on the facts by the Writ Court in its order.

7. With the above observations, the Writ Appeal stands disposed of. No costs. In view of the order passed in Writ Appeal, no orders needs to be passed in CMP.No.22545 of 2025. Thus, the connected miscellaneous petitions are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

23-09-2025

gd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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AND
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