



W.P.No.34607 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.34607 of 2025
and
W.M.P.No.38791 of 2025

1.V.Krishnamoorthy
2.K.Gunasekaran

...Petitioners

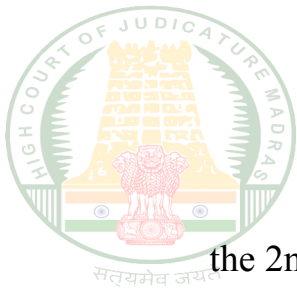
Vs.

1. The District Registrar,
Office of the District Registrar,
Krishnagiri District,
Krishnagiri-635 115,
Tamil Nadu.

2.The Sub Registrar
Office of the District Registrar,
Krishnagiri District,
Krishnagiri-635 115,
Tamil Nadu.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorafied Mandamus to call for the records of



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the 2nd respondent pertaining to refusal check slip dated 03.01.2025 bearing Refusal Number RFL/ Krishnagiri Joint-II/1/ 2025 and quash the same directing the 2nd respondent to entertain and register the settlement deed dated 03.01.2015.

For Petitioner : Dr.G.Babu
For Respondents : Mr.Abishek Murthy
Government Advocate

ORDER

Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of the respondents. By consent, the main writ petition is taken up and disposed of at the stage of admission itself.

2. The challenge in this Writ Petition is to the refusal check slip dated 03.01.2025 bearing Refusal Number RFL/ Krishnagiri Joint-II/1/ 2025 of the 2nd respondent and to quash the same and consequently direct the 2nd respondent to entertain and register the Settlement Deed dated 03.01.2015.

3. The learned counsel for the petitioner would submit that the petitioner intend to settle a portion of his property in favour of his brother

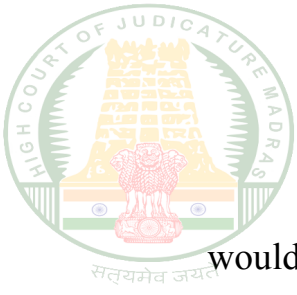


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Mr.K.Haridas and executed a Settlement Deed in his favour. Thereafter, the petitioner presented the Settlement Deed before the 2nd respondent for registration. Further, he would submit that since the petitioner misplaced the original parent documents, he obtained the certified copies and produced the same before the 2nd respondent at the time of registration. But the 2nd respondent vide refusal slip dated 03.01.2025 refused to register the same on the ground of non production of original documents. Hence, this Writ Petition.

3.1. Further, he would submit that at the time of registration of Settlement Deed, original documents need not be produced. In support of his contention, he relied upon the Judgment of Hon'ble Supreme Court in the case of ***K.Gopi Vs. The Sub Registrar and Others (Civil Appeal No.3954 of 2025)***.

4. The learned Government Advocate appearing for the respondents , on instructions would submit that certified copies of the parent documents were not produced by the petitioner as contended by him. However, he



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would fairly submit that if the petitioner produces the certified copies of the parent documents, the 2nd respondent would register the Settlement Deed, if it is otherwise in order. He therefore prays for appropriate directions.

5. Heard both sides. Perused the records.

6. In the case on hand, it is the case of the petitioner that since the petitioner lost the original parent documents with respect to the subject property, he obtained the certified copies of the same and produced them before the 2nd respondent for registration of Settlement Deed. But the 2nd respondent refused to register the same on the ground of non production of original documents. When the title with respect to the subject property and the execution of the Settlement Deed is not disputed, the 2nd respondent ought not to have refused to register the same. In this context, it would be apposite to extract the relevant portion of the aforesaid Judgment relied on by the learned counsel for the petitioner and the same is extracted hereunder:

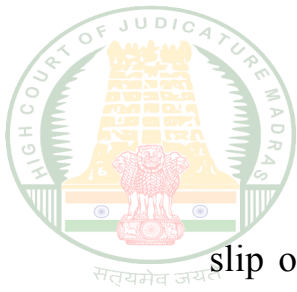
“14. The registering officer is not concerned with



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 not 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 55 (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. “

7. Considering the facts and circumstances of the case and the aforesaid Judgment, this Court is inclined to set aside the impugned refusal



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slip of the 2nd respondent dated 03.01.2025. Accordingly, the same is set aside. The petitioner is directed to present the Settlement Deed along with the certified copies of the parent documents, before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on production of the same, the 2nd respondent is directed to register the Settlement Deed, as expeditiously as possible, if it is otherwise in order.

8. In the result, this Writ Petition is allowed. No costs.

15.09.2025

Speaking order / Non-Speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY, J.,

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