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W.P No. 29745 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 29745 of 2025

R.Nowshath

... Petitioner

Vs

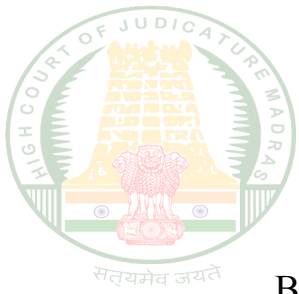
The Sub Registrar
Office Of The Sub Registrar,
Pennagaram, Dharmapuri District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip in RFL / Pennagaram / 102/ 2025 dated 01.07.2025 passed by the respondent, quash the same and consequently issue direction to the respondent to register the sale deed dated 30.06.2025 executed by the petitioner in favour of Tr.S.M.Thirumalaivasan in respect of 87 cents comprised in SF No. 137/2,Pennagaram village and Taluk, dharmapuri District.

For Petitioner : Mr.S.Shrish
for N. Manoharan

For Respondent : Mr.U.Baranidharan,
Special Government Pleader



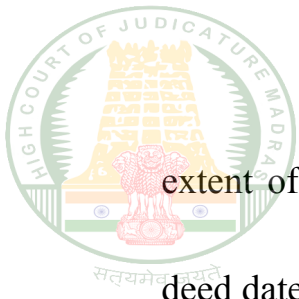
ORDER

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

2. The present writ petition is filed challenging the refusal check slip RFL/Pennagaram/102/2025 dated 01.07.2025, wherein the sale deed dated 30.06.2025 which was sought to be registered was refused registration on the premise that the proceedings dated 09.06.2023 passed by the District Revenue Officer, Dharmapuri casts shadow/doubt over the title of the subject property in respect of 87 cents comprised in SF.No.137/2, Pennagaram Village and Taluk, Dharmapuri District.

3. It is the case of the petitioner that the subject property is the ancestral property of one Mr.Chinna Kuppusamy. The said Chinna Kuppusamy had entered into a partition with his sons and daughters vide partition deed dated 09.03.2015. The petitioner purchased the property in question measuring an



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extent of 1.00 acre from one of the sons of Mr.Chinna Kuppusamy vide sale deed dated 29.12.2021. Thereafter, when the petitioner presented a sale deed in respect of 87 cents from and out of 1.00 acre, the respondent refused to register the sale deed on the premise that petitioner's vendor has right only over 87 cents.

4. Learned counsel for the petitioner would submit that respondent has made an enquiry into the title of the subject property which is in excess and beyond the jurisdiction of the respondent/Sub-Registrar and thus the impugned refusal check slip cannot be sustained.

5. In this regard, reliance was placed on a decision of the Hon'ble Supreme Court in case of ***K.Gopi V. Sub-Registrar and others (2025 SCC Online SC 740)***, wherein it is 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



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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 to 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 acquire 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 office is not concerned with the title held by the executant. He has not 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 tittle 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,



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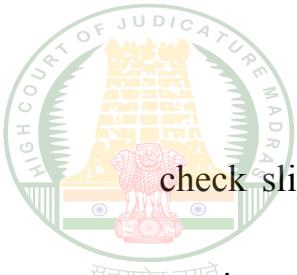
subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title or interest in the property, the registered 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.

6. He would also submit that the refusal check slip has been passed without affording an opportunity of hearing to the petitioner, which is in violation of the principles of natural justice.

7. In the light of the above, the refusal check slip dated 01.07.2025 is set aside. It is open to the petitioner to represent the sale deed dated 30.06.2025 along with the explanation/objections in response to the reasons set out in the



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check slip which necessitated the refusal of registration of the sale deed. On receipt of such representation, the respondent shall register the sale deed within a period of four (4) weeks from the date of uploading of the web copy without waiting for the receipt of certified copy, after conducting enquiry with the petitioner and any other interested parties including the rival claimants, if any and by taking into account the objections/response of the petitioner, if any, along with documentary evidence. If for any reason, registration of sale deed is sought to be refused, the respondent shall do so after assigning appropriate reasons.

8. Accordingly, the Writ Petition stands disposed of. There will be no order as to costs.

14-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Nhs

To

The Sub Registrar

Office Of The Sub Registrar,

Pennagaram, Dharmapuri District.



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MOHAMMED SHAFFIQ, J

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