



W.P.No.30881 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.30881 of 2025

Govindasamy

...Petitioner

Vs

1.The District Collector,
Cuddalore-607001.

2.The Inspector General of Registration,
100, Santhome Road,
Chennai-600 0028.

3.The District Registrar,
Virudhachalam,
Cuddalore District-606001.

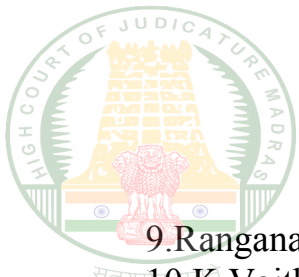
4. The Sub-Registrar,
Virudhachalam, Cuddalore District-606001.

5.The Revenue Divisional Officer,
Virudhachalam, Cuddalore District-606001.

6. The Thasildhar,
Virudhachalam, Cuddalore District-606001.

7.The Village Administrative Officer,
Pudhukoorapettai, Virudhachalam,
Cuddalore District-606003.

8.Srinivasan



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9.Ranganayagi

10.K.Vaithilingam

11.Periyanayagi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings bearing Ref.No.O.Mu.No.2810/A1/2025 dated 20.05.2025 issued by the 3rd respondent and to quash the same; and consequently, to direct the 4th Respondent to register the Settlement Deeds which were arbitrarily and unlawfully refused registration, as reflected in the Refusal Check Slips bearing Refusal Nos.RFU/1-171/2025 and FRU/1-172/2025 dated 21.04.2025 issued by 3rd respondent particularly in view of the fact that similar Settlement Deeds executed by similarly placed individuals, involving the same or similar properties, were registered by the 4th Respondent in respect of agricultural lands and house sites situated in Survey No.89/5, 89/2 ad 225/5 at Pudhukoorapettai Village, Virddhachalam Taluk, Cuddalore District and the said refusal is wholly arbitrary, discriminatory, and devoid of valid or lawful justification and is therefore liable to be interfered with by this Honourable Court in the interest of Justice.



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For Petitioner : Mr.B.Sudharshanam
For R-1 to R-7 : Mr.U.Baranidharan,
Special Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself. In view of the order that, this Court proposes to pass and also the limited relief that is sought to be granted, notice to the Respondents 8 to 11 is dispensed with.

2. The present Writ Petition is filed challenging the impugned proceedings of the 3rd respondent dated 20.05.2025 whereby 3rd respondent confirmed the refusal of registration by 4th respondent wherein the settlement Deeds which were sought to be registered were refused registration on the premise that they have been presented without parent documents.

3. It is submitted by the learned counsel for petitioner that they have presented the settlement deeds for registration on 21.04.2025 before the 4th Respondent, the same was refused registration on the same day vide refusal check slips which came to be issued on the premise that the parent documents have not been produced and therefore, there is certain doubt over the title of the property. It is further submitted that they preferred an appeal as against the



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refusal check slips before the 3rd respondent on 19.05.2025. However, the 3rd

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respondent has confirmed the reasons assigned in the refusal check slips without assigning any reason whatsoever which shows that there is gross non-application of mind on the part of the 3rd respondent in refusing to register the documents presented for registration.

4. In this regard, reliance was placed on decision of the Honourable Supreme Court in case of ***K.Gopi V. Sub-Registrar and others (2025 (2) CTC 777)***, wherein, it has been held that the Registering Authority does not have any adjudicating powers to decide the title of the property and merely because parent documents pertaining to title have not been presented cannot be the reason for refusal of registration. A relevant portion of the Judgement is extracted hereunder:-

“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 to the loss of the previous original deed.



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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 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 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.*



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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. On perusal of the refusal check slips dated 21.04.2025, this Court is of the view that there is merits in the submissions of the learned counsel for the petitioner and therefore, petitioner may be permitted to represent the settlement deed along with his explanation as to how the reasons set out in the refusal check slip may not be adequate to sustain the refusal to register the settlement deeds.

6. In view thereof, the impugned order dated 20.05.2025 is set aside. It is open to the petitioner to re-present the settlement deed for registration along with explanation in response to the reasons set out in the refusal check slip. On receipt of such representation of the settlement deeds along with their objections, the same would be registered, if it is otherwise in order. If for any reason, the Registering Authority refuses to register the settlement deed, he shall do so after assigning appropriate reasons.

7. Accordingly, the writ petition stands disposed of. There shall be no order as to costs.



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Index : Yes/ No

Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.

Nhs

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