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W.P.No.31627 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2025

Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.31627 of 2025

K.Senthil

...Petitioner

Versus

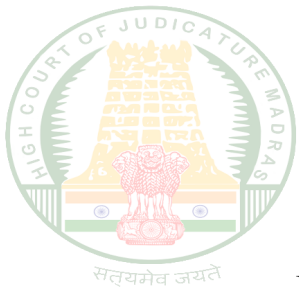
The Sub-Registrar,
Office of the Sub-Registrar,
Ganapathy,
Coimbatore District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to Refusal Check Slip No.RFL/Ganapathy/12/2025 Sub-Registrar, Ganapathy, Coimbatore District dated 21.07.2025 and quash the same as illegal and consequently, direct the respondent to register the Deed of Agreement of Sale presented by the petitioner for registration.

For Petitioner : Mr.S.Sivasubramani

For Respondent : Mr.Abishek Murthy,
Government Advocate



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ORDER

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

2. The relief sought in this writ petition is to quash the Refusal Check Slip No.RFL/Ganapathy/12/2025 dated 21.07.2025 issued by the respondent, whereby, the Agreement of Sale dated 21.07.2025 in respect of the lands comprised in S.No.198/2B1 measuring an extent of 57.65 Ares (1 Acre 42 Cents) situated at Vilankurichi Village, Coimbatore Taluk (North), Coimbatore District (hereinafter referred to as “subject property”) was refused registration on the premise that the Patta issued in respect of the subject property shows the name of three persons viz., Moorthy, Senthil and Chellakutty as owners of the subject property and thus, it cannot be ascertained if petitioner is the owner of the subject property.

3. The learned counsel for the petitioner submitted that the reason stated by the respondent for refusing registration of the Deed of Agreement of Sale presented by the petitioner is contrary to the decision rendered by the Hon'ble Supreme Court in the case of *K.Gopi Vs. The Sub-Registrar &*



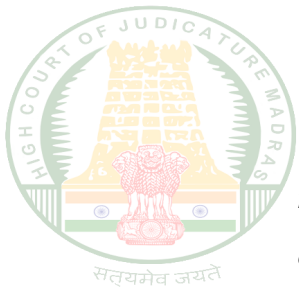
Ors. reported in **AIR 2025 SC 1800**, wherein, it has been held as follows:

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“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



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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 rulemaking 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.”

3.1. It is also submitted by the learned counsel for the petitioner that if the petitioner is permitted to submit his Reply along with relevant documentary evidences including Proceedings dated 31.10.2016 issued by



the Tahsildar, Coimbatore North, in terms thereof land comprised in S.No.198/2B was subdivided into S.Nos.198/2B1 & 198/2B2, he would be able to explain as to how the reason stated in the Refusal Check Slip is unsustainable.

4. The learned Government Advocate appearing for the respondent submitted that if the petitioner re-presents the Deed of Agreement of Sale, the respondent would consider the same in the light of the decision rendered by the Hon'ble Supreme Court in the case of ***K.Gopi Vs. The Sub-Registrar & Ors.*** reported in ***AIR 2025 SC 1800*** and register the same, if it is otherwise in order. He further submitted that if the registration is sought to be refused for any reasons, the respondent would issue a Refusal Check Slip/Order assigning the reasons for refusal.

5. The above submission made by the learned Government Advocate for the respondent has been fairly conceded by the learned counsel for the petitioner.



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6. As far as this case is concerned, this Court finds that there is merit in the submissions made by the learned counsel for the petitioner.

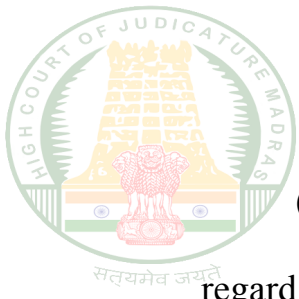
7. In view thereof, this Court is inclined to dispose of this Writ Petition with the following directions:

(i) The impugned Refusal Check Slip No.RFL/Ganapathy/12/2025 dated 21.07.2025 issued by the respondent is quashed.

(ii) The petitioner is directed to re-present the Deed of Agreement of Sale along with his Reply and documentary evidence in support thereof before the respondent, for registration.

(iii) On such re-presentation by the petitioner, the respondent shall consider the Deed of Agreement of Sale in the light of the decision rendered by the Hon'ble Supreme Court in the case of ***K.Gopi Vs. The Sub-Registrar & Ors.*** reported in ***AIR 2025 SC 1800*** and register the same, if it is otherwise in order.

(iv) If for any reason, registration of Deed of Agreement of Sale is sought to be refused, the respondent shall issue a Refusal Check Slip/Order by assigning appropriate reasons.



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(v) It is made clear that this Court has not expressed any views with

regard to the merits of the case and it is open to the respondent to consider

the matter on its own merits and in accordance with law. No costs.

22.08.2025

mrr

Index : Yes/No

To

The Sub-Registrar,
Office of the Sub-Registrar,
Ganapathy,
Coimbatore District.



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MOHAMMED SHAFFIQ, J.

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