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W.P.No.35669 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No. 35669 of 2025

M.P.Raja Suresh

...Petitioner

Vs.

The Sub-Registrar,
Ganapathy,
Coimbatore North Taluk,
Coimbatore.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, to call for the impugned refusal letter vide RFL/Ganapathy/19/2025 dated 01.09.2025 passed by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed dated 01.09.2025 pertaining to S.No.22/1, Vilankurichi Village, Coimbatore North Taluk, Coimbatore District to an extent of 2.03 Acres and release the same forthwith within the time frame.

(Prayer amended vide order dated 11.11.2025 made in WMP.No.48298 of 2025 in WP.No.35669 of 2025 by KRJ)



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For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel for
M/s.D.Saravanan and N.Shrivatsan

For Respondent : Mr.P.Harish
Government Advocate

ORDER

Sale deed dated 01.09.2025 was executed in favour of the petitioner by one Santhalingam. Upon presentation thereof, the request for registration was refused under the impugned refusal check slip.

2. By inviting my attention to the impugned refusal check slip, learned Senior Counsel for the petitioner submits that similar objections were raised in respect of the sale of another parcel of land forming part of a common extent. The learned single Judge had allowed the writ petition challenging the refusal check slip in that case. When the matter was carried in appeal, by judgment dated 13.06.2024 in *W.A.No.1882 of 2023, The District Registrar, Registration Department and another Vs. Anusha Rajinikanth and Others*, the Division Bench concluded that there is no power of refusal outside the scope and ambit of Section 22-A and 22-B of the Registration Act. After



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pointing out that the said judgment attained finality, learned Senior Counsel submits that the impugned refusal check slip is liable to be set aside for such reason. In this regard, he also places reliance on the judgment of the Hon'ble Supreme Court in *K.Gopi Vs. Sub-Registrar and others, 2025 SCC Online SC 740 (K.Gopi)*, particularly paragraph 13 thereof.

3. Learned Government Advocate submits that the request for registration was refused in view of the registration of sale deed bearing Document No.2238 of 2004 in respect of the same property. He also submits that a batch of cases pertaining to dual registration is pending before the Division Bench.

4. The power of refusal of registration under the Registration Act, 1908 is presently available only in Section 22-A and 22-B thereof. The power to refuse on the ground of non-production of the parent document and encumbrance certificate was sought to be conferred on the Registering Officer under Rule 55-A of the Registration Rules. The said Rule was struck down in *K.Gopi* as beyond the Rule making power under Section 69 of the



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Registration Act. While holding that Rule 55-A is invalid, the Hon'ble

Supreme Court held as under in paragraph 15 thereof:

“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 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.”



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5. Examining the impugned order in the above context, it is evident

that the refusal is on the basis that the sale deed in favour of L.P.Thangavelu and Shanthi Thangavelu was registered earlier. Effectively, the Sub-registrar has questioned the title of the executant, which the Hon'ble Supreme Court held cannot be done under the Registration Act. Hence, the impugned order cannot be sustained and is hereby set aside. As a corollary, the petitioner is permitted to re-present the relevant instrument for registration and the registering authority is directed to consider the request for registration and take necessary measures for registration of the instrument subject to fulfilment of other requirements in this regard. This process shall be completed within a period of two weeks from the re-presentation of the instrument.

6. On the above terms, this Writ Petition is disposed of. No costs.

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NCC: Yes

Index : No

Speaking Order : Yes

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SENTHILKUMAR RAMAMOORTHY, J.

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To

The Sub-Registrar,
Ganapathy,
Coimbatore North Taluk,
Coimbatore.

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