



W.A.No.3353 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.11.2025

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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1. The Inspector General of Registration,
No.100, Pattinapakkam, Santhome,
Chennai – 600 028
2. The Deputy Inspector General of Registration,
Integrated Building for Offices of
Commercial Taxes and Registration,
Nandanam, Chennai – 600 035.
3. The District Registrar,
Office of District Registrar,
Kancheepuram – 631 502
4. The Sub Registrar,
Office of Sub Registrar,
Walajahbad.

... Appellants

Vs.

1. Prem Ranjithkumar
W/o R.V.Ranjithkumar
No.84, Keezh Street, Muthiyalpettai,
Kanchipuram – 631 601



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2. District Collector,
Kancheepuram

3. Tahsildar,
Walajabad, Kancheepuram District
R2 & R3 are suo motu impleaded
vide Court order dated d05.11.2025
in W.A.No.3353/2025 (SMSJ & MSQJ)

..Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, 1865 to
set aside the Order dated 24.09.2025 in W.P.No.36597 of 2025 and allow
this writ appeal.

For Appellants : Mr.U.Baranidharan
Special Government Pleader

For Respondents : Mr.R.Rajagopalan,
Senior Counsel
for Mr.M.Nandhakumar for R1
Mrs.Akila rajendran,
Government Advocate
for R2 & R3

J U D G M E N T

S.M.SUBRAMANIAM,J.



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Under assail is the writ order dated 24.09.2025 passed in

W.P.No.36597 of 2025.

2. State preferred the present Intra-Court Appeal under Clause 15 of Letters Patent mainly on the ground that the document presented by the respondent/writ petitioner has not been registered due to the doubt on guideline value of the subject property and due to the non-production of No Objection Certificate by the Revenue Officials by stating that the subject property will not come under the category of “Eri Poromboke”.

3. Admittedly, no refusal check slip had been issued by the registering authority enabling the presentant to submit their explanation along with the documents, if any, for conduct of an enquiry as contemplated under Section 71 of the Registration Act, 1908. Thus, both the writ petitions as well as the reasons stated by the appellants



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in the present writ appeal are presumptive in nature and deserves

complete adjudication under the Scheme of Registration Act. The

High Court, in exercise of powers of judicial review, need not consider

the grounds which are raised based on certain assumptions and

presumptions, in the absence of adjudication from the hands of the

competent authority under the provisions of the Act.

4. Admittedly, the respondent presented a document viz., Sale Deed, for registration dated 22.08.2025. The Registering Authority has neither issued refusal check slip nor conducted an enquiry by affording an opportunity to the respondent and not registered the document, but kept it as pending document.

5. In the context of the factum, the Registering Authority, at the first instance, has to issue a refusal check slip to the presentant of the document, assigning reasons for refusal and the presentant of the



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document is at liberty to raise objections to the reasons or submit his explanations along with the document, if any. Thereafter, the Registering Authority has to conduct an enquiry by affording opportunity to the presentant of the document as contemplated under Section 71 of the Act and pass reasoned final orders on merits. The said order is appealable under Section 72 of the Registration Act. Still any person is aggrieved, they have to institute a suit under Section 77 of the Act, since the scheme of the Act contemplates procedures to be followed for registration of document and to resolve the disputes regarding non-registration or otherwise and the said scheme is to be scrupulously followed by the authorities. The Writ Court is not expected to entertain such writ petitions which are all premature and filed without exhausting the statutory remedies contemplated under the Registration Act. In the event of adjudication of merits, when the authority has not even issued a refusal check slip, the said adjudication from the hands of the High Court may result in



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miscarriage of justice or may cause prejudice to either of the parties.

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6. As stated supra, the writ petition is premature and we find that the order of the learned Judge may well result in High Court substituting the discharge of function otherwise vested with the statutory authorities. It is trite that this Court even while exercising its power under Article 226 of the Constitution of India, neither substitute the discretion nor exercise the power vested with the authorities under the Statute. Thus, this Court is of the considered view that the Registering Authority has to follow the procedure as contemplated under the Act and Rules framed thereunder and the respondent is also at liberty to defend his case in the manner known to law.

7. With these observations, the writ order dated 24.09.2025 in W.P.No.36597 of 2025 is set aside and the Writ Appeal stands allowed. No costs.



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(S.M.S.,J.) (M.S.Q.,J.)

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vsi

To

1. District Collector, Kancheepuram
2. Tahsildar, Walajabad, Kancheepuram District



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**S.M.SUBRAMANIAM,J.
AND
MOHAMMED SHAFFIQ,J.**

vsi



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