2026:MHC:4395

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM**
**AND**
**THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN**

WA.No.2258 of 2026
CNR:{HCMA010809882026}

Srinivasan

..Appellant

Vs

The Sub Registrar,
Thottipalayam,
Thiruppur South Taluk,
Tiruppur District.

..Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the impugned order dated 26.02.2026 passed in WP.No.5211 of 2026.

**Judgment**
**(Judgment of the Court was delivered by S.M.Subramaniam, J.)**

The present Intra Court appeal has been instituted challenging the writ order dated 26.02.2026 passed in W.P.No.5211 of 2026. The writ petitioner is the appellant before this Court.



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2.The appellant presented a sale deed for registration. The registering officer refused to register the sale deed and issued a refusal check slip dated 27.11.2025. The reason assigned in the refusal check slip is that the appellant formed an unapproved layout in an agricultural land and presented the document for registering the same as house plots. In view of Section 22-A of the Registration Act (hereinafter referred to as “the Act”), approval from the competent planning authority is mandatory for conversion of agricultural land as residential plots or layout. In the absence of approval from the competent authority, the Registering Authority is empowered to refuse registration.

3.The said refusal check slip issued invoking Section 22-A of the Act came to be challenged by way of writ proceedings. The Writ Court disposed of the writ petition by stating that the reason for refusal by the registering officer is in tune with Section 22-A(2) of the Act. However, the Writ Court has granted liberty to the petitioner to get approval of the layout or the residential plot for registration of document.



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4.Two issues are to be considered in the present appeal. They are:

(a) Whether registration of an unapproved housing plot is permissible under the Act?

(b) Whether a writ petition against the refusal check slip issued by the registering officer is entertainable?

5.Section 22-A of the Act was inserted by Tamil Nadu Act 28 of 2012 dated 21.06.2012 with effect from 20.10.2016. Sub-section (2) to Section 22-A stipulates that the registering officer shall refuse to register an instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned. Proviso clause would indicate that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as a house site.

6.In the present case, the Registering Authority found that an unapproved layout has been formed and the subject property previously remained as an agricultural land. Therefore, approval from the



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competent planning authority is mandatory. Thus the refusal check slip came to be issued. The Writ Court rightly found that the reason stated by the registering officer based on Section 22-A(2) of the Act is in accordance with law and declined to grant relief.

7.Regarding entertainability of a writ petition against the refusal slip issued by the registering officer, this Court has elaborately considered the issues in the context of Sections 71, 72 and 77 of the Act. In the case of ***The Inspector General of Registration and others vs. M.Arunvel Kumar and others***[1] and in the case of ***The Sub Registrar vs. A.Nithyanandam***[2]. This Court has elaborately considered the scheme under the Registration Act to deal with the refusal of registration of document by the registering officer. Part XII of the Registration Act provides “Of refusal to register”. Section 71 denotes reasons for refusal to register to be recorded. Therefore, issuance of refusal slip to the Presentor of the document is the preliminary decision taken by the registering officer. On receipt of such refusal check slip, the Presentor of the document is at liberty to submit his objections on the refusal check

[1]2026 MHC 4296.
[2]2026 MHC 4280.



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slip. In the event of receiving any such representations/objections, the Registering Authority has to conduct an enquiry and pass a speaking order under Section 71 of the Registration Act. Order passed under Section 71 is appealable under Section 72 of the Act. The decision taken by the registering officer and the appellate authority are amenable to a civil suit under Section 77 of the Act. The purpose and object of the scheme under the Act is to ensure that the civil rights of the parties are adjudicated in the manner known to law and before the competent court of law.

8.Writ Court cannot adjudicate the disputed facts of civil nature. Such adjudication are to be done based on the documents in original and evidences available on record by conducting a trial nature proceedings, which would fall beyond the realm of the powers of judicial review conferred under Article 226 of the Constitution of India. In the case of ***A.Nithyanandam*** (cited sutra), the said position has been reiterated by this Court as follows.

> *"8.Let us look into the scheme under the Registration Act, 1908 (hereinafter referred to as 'the Act'). Part XII of the Act speaks about "refusal to*



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*register a document". Section 71 denotes that the reasons for refusal to register are to be recorded. On receipt of refusal slip, which is the preliminary decision taken by the Registering Authority, Presentor of document is at liberty to submit objections to the registering authority against the refusal check slip. On receipt of any such representations / objections, Registering Authority is bound to conduct an enquiry by issuing notice to all the parties under Section 71 and thereafter pass a speaking order. The speaking order passed by the registering authority under Section 71 of the Act is appealable. Under Section 72 of the Act before the competent Appellate Authority. On receipt of appeal, the Appellate Authority is bound to conduct an enquiry, and by affording opportunity to the parties, pass final orders on merits and in accordance with law. An order under Section 72 of the Act would provide cause for institution of civil suit under Section 77 of the Act.*

*9.Section 77(1) of the Act stipulates that "Where the Registrar refuses to order the document to be registered, under section 72or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the*



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*civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree".*

*10.In the context of Sections 71, 72 and 77 of the Act, 1908, under Chapter XXIII, Rule 162 of the Registration Rules provides reason for refusal to register document. Rule 162 reiterates that when registration is refused, the reasons for refusal shall be at once recorded in Book 2. Facts of the present case would fall under Rule 162 (VII), which states about Presentor of document, who has no right to present it.*

*11.The very purpose and object of Section 77 of the Act, 1908, relegating the parties to approach the civil court is that the registering authority or the appellate authority is not empowered to adjudicate and decide the civil rights between the parties. High Court cannot decide the dispute of civil in nature nor issue a direction to register a document, in the event of Registering Authority forming an opinion that document produced by Presentor is not genuine or Presentor has not established his right to register document. Thus,*



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*disputed facts and its adjudication by conducting roving enquiry would fall beyond the realm of powers of this Court under Article 226 of the Constitution of India.*

*12.The power of High Court under Article 226 is to ensure processes through which decision has been taken by competent Authority in consonance with Statute and Rules in force, but not the decision itself. In the event of any adjudication of dispute of civil nature, there is likelihood of miscarriage of justice or causing prejudice to any one of the parties. This exactly is the reason why Constitution Courts time and again reiterate that arms of powers of judicial review cannot be extended for adjudication of disputed facts, which are of civil nature. Therefore, refusal check slip resulted in a speaking order by Registering Authority under Section 71 of the Act, 1908 is appealable under Section 72 and the order passed under Section 72 is amenable to civil suit to be instituted before competent Civil Court of law. Under Section 77, Civil Court is competent to issue direction to Registering Authority to register document.*

*13.Intention of Parliament has been expressed in unequivocal terms that suit for decree, directing a document to be registered may be granted by*



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*competent Civil Court on adjudication of disputed facts, relating to civil rights. Therefore, Writ Petition filed challenging the refusal slip, which is a preliminary decision taken by Registering Authority is not maintainable nor amenable to writ jurisdiction."*

9.In view of the two Division Bench judgments cited supra, this Court is of the considered view that the writ petition filed by the appellant is not entertainable and he has to necessarily exhaust the statutory remedies as contemplated under the Registration Act. Factual adjudication by the High Court regarding civil rights may result in miscarriage of justice or may cause prejudice to any one of the parties. Therefore, the parties are to be relegated to exhaust the statutory remedies before the authorities at the first instance and approach the competent civil court as contemplated under Section 77 of the Registration Act. In the present case, the refusal check slip was issued by the Registering Authority invoking Section 22-A(2) of the Registration Act and that being the factum, this Court does not find any infirmity in respect of the decision rendered by the Writ Court in the impugned order.



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10.Granting liberty to the appellant to work out his remedy in the manner known to law, the present Writ Appeal stands dismissed. No costs.

**(S.M.S.,J.) (R.R.V.,J.)**
**27-10-2026**

Index: Yes
Speaking order
Neutral Citation: Yes

*cse*



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To

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Thottipalayam,
Thiruppur South Taluk,
Tiruppur District.



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Order QR



**S.M.SUBRAMANIAM, J.**
**AND**
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*cse*

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