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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WA No. 3665 of 2024

CNR: {HCMA012321932024}

Kuppan

..Appellant(s)

Vs

1. P. Subramani

2. The District Registrar
   Ranipet Registration District, Ranipet.

3. The Sub Registrar
   Kalavai Sub Registrar District, Kalavai.

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the impugned order dated 14.11.2024 in WP No.34172 of 2024.

For Appellant(s): Mr.H. Manojin

For Respondent(s): Mr.A.V.Arun for R1
Ms.S.Yogalakshmi
Additional Government Pleader for R2 & 3

JUDGMENT

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

Under assail is the writ order dated 14.11.2024 passed in W.P.No.34172 of 2024. Third respondent in the writ petition is the

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appellant before this Court.

2. Appellant states that he is the absolute owner of the land measuring an extent of 2 acres 23 cents comprised in Survey No. 29/1, Ponnambalam Village, Kalavai Taluk, Ranipet. Patta also stands in the name of the appellant. First respondent namely P.Subramani filed a writ petition seeking a direction to the Sub-Registrar, Kalavai to register a sale deed dated 24.09.2024.The Writ Court directed the Sub-Registrar to register the sale deed within a period of 2 weeks. The findings of the writ Court in paragraphs 5, 6 and 7 of the writ order would show that the civil rights of the parties are considered and a direction was issued to register the sale deed. Further, writ Court found that transaction between several parties would show that first respondent has established a civil right for registering the sale deed under the Registration Act.

3. Learned counsel for the appellant would submit that land belongs to the appellant was attempted to be registered. He has filed a police complaint.

4. Learned Additional Government Pleader would submit that document presented was returned and again it was not represented by the first respondent for registration. This itself would raise a doubt

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regarding civil right between the parties.

5. This Court is of the considered view that civil rights in respect of immovable properties cannot be adjudicated by the writ Court under Article 226 of the Constitution of India. Disputed facts of civil nature are to be adjudicated in a trial nature proceeding based on the documents in original and evidences available on record and by examining witnesses. In the event of crystallizing the civil rights in a writ proceedings, it may lead to miscarriage of justice or would cause prejudice to the rights of the parties.

6. Registration authority under the Registration Act is empowered to verify the documents and refuse registration, if there is any doubt regarding the right of the party for registering a document. Even in such circumstances, when a document is refused for registration by the registering authority, remedy available is by way of a representation at the first instance to the registering authority under Section 71 of the Registration Act. Speaking order passed under Section 71 of the Act is appealable under Section 72 of the Registration Act. Thereafter, an aggrieved person may institute a civil suit under Section 77 of the Act. This being the scheme under the Registration Act, no writ seeking a direction to register a document is entertainable, since it

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involves verification and adjudication of civil rights between the parties. Any such direction issued by the writ Court to register a sale deed would infringe the right of other party claiming similar civil rights. This exactly is the reason why the Constitutional Courts time and again reiterated that disputed facts of civil nature cannot be adjudicated by the High Court in a writ proceeding.

7. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has been taken is in consonance with the statutes and rules in force, but not the decision itself. High Court is expected to exercise restrain in adjudicating the civil rights between the parties in a writ proceeding.

8. In the present case, Writ Court granted the relief by directing the registering authority to register the sale deed by considering the civil rights of the parties, which is unnecessary and in such circumstances, parties are to be relegated to approach the competent Civil Court of law to crystallise the rights.

9. In view of the above discussion, this Court could able to arrive at an irresistible conclusion that writ order impugned need not be

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sustained. If at all, first respondent claiming ownership/title in respect of the subject property, they have to approach the competent civil Court for establishing their title/ownership in the manner known to law.

10. Accordingly, the writ order impugned dated 14.11.2024 in WP No.34172 of 2024 is set aside and the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

1. The District Registrar
   Ranipet Registration District, Ranipet.

2. The Sub Registrar
   Kalavai Sub Registrar District, Kalavai.

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S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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