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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WA No. 3353 of 2026

CNR: {HCMA012469292026}

Lakshmi Ammal

Case QR

..Appellant(s)

Vs

1. The District Registrar(Administration)
   Villupuram District,
   Villupuram

2. The Sub Registrar
   Sub Registrar office,
   Valavanur,
   Villupuram District

3. Thanigachalam

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the final order passed in WP.No.41487 of 2025 dated 10.09.2026.

For Appellant(s): Mr.B.R. Jayaprakash Narayan
For Ms.L.Meenakshi

For Respondent(s): Ms.S. Yogalakshmi
Additional Government Pleader For R1&2

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JUDGMENT

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

Under assail is the writ order dated 10.09.2026 passed in W.P.No.41487 of 2025.

2. Writ petitioner is the appellant before this Court. Writ petition has been instituted challenging the refusal check slip issued by the registering authority on 17.09.2025.

3. Writ Court has considered the legal position that no writ would lie against the refusal check slip issued by the registering authority. On receipt of any such refusal check slip, an objection may be submitted to reconsider the preliminary decision taken by the registering authority. On receipt of any such objection, registering authority has to conduct an enquiry and pass a speaking order under Section 71 of the Registration Act. The order passed under Section 71 is appealable under Section 72 of the Act. Thereafter, a suit would lie under Section 77 of the Act for crystallisation of the civil rights of the parties for registration of documents. The scheme under the Act has been considered by the Division Bench of this Court in the case of ***S.Indirani Vs. The Sub***

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***Registrar, Office of the Sub Registrar*[1].** Further the Division Bench had reiterated the said position in the following judgments namely ***The Inspector General of Registration and Others Vs. M Arunvel Kumar and Others*[2].** The relevant paragraphs are extracted hereunder:

> *"…….8. Disputed facts regarding fraudulent registration of the document or identification of the owner of the property cannot be undertaken by the Writ Court under Article 226 of the Constitution of India. The power of judicial review cannot be exercised for conducting a roving enquiry touching upon the civil rights between the parties. Merely based on the statement in an affidavit or based on the Refusal Slip issued by the Registering Officer, High Court is not expected to form a final opinion that a presentant of a document has a legal right to register a document under the Registration Act. Such a perception would cause prejudice to the interest of other parties and in such circumstances, an enquiry as contemplated under the Registration Act is just and necessary. In the absence of any enquiry by the competent authorities and thereafter by the Civil Court, one cannot form an opinion regarding the civil right of a person in respect of immovable property. This exactly is the reason why the Parliament thought*

[1] 2025:MHC:2668
[2] 2026:MHC:4296

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fit and contemplated procedures for dealing with the refusal for registration of document by the Registering Authority. The scheme under the Act is to be scrupulously followed to ensure that the documents are registered by following the procedures and after ascertaining the right of the presentant, who presented the document for registration.

9. Thus, it is necessary to consider the scheme under the Act to deal with the decisions taken by the Registering officer refusing registration in respect of documents presented. The issue has been considered on two occasions by the Division Bench of this Court:

(i) In the cases of E. Sumathi v. Sub-Registrar1 and Munusami v. The Sub Registrar and Others2, this Court elaborately dealt with the procedure to be followed and the relevant paragraphs are extracted as follows:

"3. The refusal check slip issued by the Registering Authority per se would not provide cause for institution of writ proceedings.

4. This Court is of the considered view that Writ Court cannot decide disputed facts relating to civil rights. Power of judicial review of High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has been taken are in consonance with statutes and rules, but not the decision itself. Therefore, any findings touching upon civil rights

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in a writ order may cause prejudice to parties litigating civil rights and result in miscarriage of justice. Parties, at the first instance are expected to exhaust statutory remedy contemplated under the Act and in the present case, the scheme contemplated under the Registration Act is to be scrupulously followed.

5. Documents presented for registration are scrutinized by Registering Authority, and a decision is taken either to register the document or refuse registration. A slip has been issued to presentant of the document. Refusal slip per se would not provide a cause to institute a writ proceeding, since an adjudication/inquiry is contemplated under Section 71 of the Registration Act before Registering Authority.

6. Part XII of Registration Act provides "Of Refusal to Register". Section 71 of the Act enumerates "Reasons for refusal to register to be recorded.—(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No.2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded. (2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered".

7. A cursory reading of above provision would indicate that Registering

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Authority shall make an order of refusal and record reasons in Book No.2, and endorse the words "registration refused" on the document. Any person on receipt of refusal slip is at liberty to submit explanations, along with documents, if any to the Registering Authority, who in turn has to conduct an inquiry by affording opportunity to the presentant/representative of document. After conducting inquiry, Registering Authority has to register the document or pass a reasoned order for refusal to register under Section 71 of the Registration Act.

8. If the document presented is refused and a reasoned order refusing to register is passed, the said order is appealable under Section 72 of the Registration Act. Section 72 contemplates "Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution".

9. Therefore, an aggrieved person may prefer an appeal under Section 72 before District Registrar to conduct an inquiry, by affording an opportunity to parties, and thereafter pass final orders, issuing directions to Registering Authority to register the document or affirm refusal order passed by Registering Authority under Section 71 of the Act.

10. Section 77 of the Registration Act, 1908, denotes "Suit in case of order of refusal by

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Registrar.—(1) Where the Registrar refuses to order the document to be registered, under Section 72 or a decree 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 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. (2) The provisions contained in sub-sections (2) and (3) of section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit".

11. Under Section 77 of the Act, an aggrieved person from and out of the orders passed by Registering Authority and Appellate Authority under Sections 71 and 72 respectively may institute a civil suit for appropriate relief before Civil Court within local limits of whose original jurisdiction the office in which document is sought to be registered. A suit for a decree directing document to be registered may be sought for. Scheme under Registration Act

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provides an effective mechanism for redressal of grievances against refusal of registration of a document by the Registering Authority under the Act. Exhausting alternate remedy contemplated under the Act is of paramount importance.

12. Factual findings by Registering Authority and Appellate Authority could be of greater assistance to Courts in exercising powers to render justice to litigants. The legislative intention in providing an alternate remedy under the Act need not be undermined by Courts by entertaining writ petitions for adjudication of disputed issues under Article 226 of the Constitution of India, which is not desirable.

13. Pertinently, at the initial stage of issuance of a refusal slip by Registering Authority, civil rights or right of the presentant of a document for registration cannot be determined either by Registering Authority or by Writ Court. It is a preliminary stage, where they are bound to call for explanation from the presentant of document, along with supportive documents, if any, and an adjudicatory process is to be undertaken to arrive a final decision, enabling an aggrieved person to approach the Appellate Authority and thereafter Civil Court under Sections 72 and 77 of the Act respectively.

14. Under Sections 71 and 72 of the Registration Act, neither the Registering Authority

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nor the Appellate Authority is empowered to decide title, ownership, or civil rights between the parties. Extent of inquiry is to be confined so as to find out whether document presented under the Act can be registered or to be refused. Therefore, Registering Authority is not empowered to go into merits of the case and decide title, ownership, or civil rights between the parties.

15. Any inquiry or findings made thereunder are to be confined only to an extent of registration of a document, and findings by Registering Authority or Appellate Authority cannot be taken into consideration for the purpose determining civil rights between the parties. The Hon'ble Supreme Court of India in K.Gopi vs. The Sub Registrar and Others3, paragraph 15 of the judgment reads as under:

"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

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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, it is amply clear that the competent authorities under Registration Act have no jurisdiction to adjudicate title, ownership, or decide civil rights between parties. Any reference or findings made relating to a document presented for registration or supportive documents are considered only for the limited purpose of establishing a right to register document under the Registration Act. Any findings made by competent authority would not affect the rights of parties to establish their case independently before Civil Courts based on documents and evidences available on record.

17. The petitioner is at liberty to submit his objections/explanations along with the documents if any to the Registering Authority enabling him to conduct an inquiry and pass recent order under Section 71 of the Act if the grievances of the petitioner are not redressed the petitioner may prefer an appeal under Section 72 of the Act before the Appellate Authority. Thereafter, still aggrieved he may file a civil suit under Section 77 of the Act.

18. At the outset, the scheme contemplated under the Registration Act is to be

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followed for the purpose of redressal of grievances and thus, the petitioner is at liberty to exhaust the remedy contemplated under the Act."

(ii) In the case of Mahalakshmi v. Inspector General of Registration and Others4, W.A. No. 3074 of 2026 dated 05.10.2026, the procedure to be adopted was once again reiterated by the Division Bench of this Court by elaborately considering the scheme under the Registration Act and the procedures contemplated for redressal of grievances in the event of the Registering Officer refusing to register the document presented for registration.

10. In respect of fraudulent documents, relying on the ruling of the Hon'ble Supreme Court in the case of Satya Pal Anand Vs. State of Madhya Pradesh and Others5, and the Division Bench of this Court passed an order in the case of S.S Gayathri Bai vs The District Registrar and Others6, the Apex Court in the case of Satya Pal Anand held as follows:

"46. In our considered view, the decision in Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063] was dealing with an express provision, as applicable to the State of Andhra Pradesh and in particular with regard to the registration of an extinguishment deed. In absence of such an

https://www.mhc.tn.gov.in/judis

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express provision, in other State legislations, the Registering Officer would be governed by the provisions in the 1908 Act. Going by the said provisions, there is nothing to indicate that the Registering Officer is required to undertake a quasi~judicial enquiry regarding the veracity of the factual position stated in the document presented for registration or its legality, if the tenor of the document suggests that it requires to be registered. The validity of such registered document can, indeed, be put in issue before a court of competent jurisdiction.

47. In the present case, the document in question no doubt is termed as an extinguishment deed. However, in effect, it is manifestation of the decision of the Society to cancel the allotment of the subject plot given to its member due to non~fulfilment of the obligation by the member concerned. The subject document is linked to the decision of the Society to cancel the membership of the allottee of the plot given to him/her by the Housing Society. In other words, it is the decision of the Society, which the Society is entitled to exercise within the framework of the governing cooperative laws and the bye~laws which are binding on the members of the Society. The case of Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063], besides the fact that it was dealing with an express provision contained in the statutory Rule, namely, Rule 26(k)(i) of the Andhra Pradesh Registration Rules, 1960, was also not a case of a deed for cancellation of allotment of plot by the Housing Society. But, of a cancellation of the registered sale deed executed between private parties,

https://www.mhc.tn.gov.in/judis

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which was sought to be cancelled unilaterally. Even for the latter reason the exposition in Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063] will have no application to the fact situation of the present case.

48. Taking any view of the matter, therefore, we are of the considered opinion that, the High Court has justly dismissed the writ petition filed by the appellant with liberty to the appellant to pursue statutory remedy resorted to by him under the 1960 Act or by resorting to any other remedy as may be advised and permissible in law. All questions to be considered in those proceedings will have to be decided on its own merits.

49. Accordingly, we dismiss this appeal in the above terms with no order as to costs."

11. The Division Bench made a finding in the case of S.S Gayathri Bai, based on Sathyabal Anand case cited surpa and the relevant portions read as under:

"14. After the Judgment by the Hon-ble Supreme Court in Satya Pal Anand case (cited supra), the State of Tamil Nadu brought an amendment and inserted Section 77A in the Registration Act, 1908. However, the said provision has been struck down by the Division Bench of this Court in the case of M.Kathirvel and others Vs. The Inspector General of Registration, Department of Registration, Chennai and others reported in (2024) 4 CTC 769 in W.P.Nos.10291 of 2022 etc., batch dated

https://www.mhc.tn.gov.in/judis

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02.08.2024, and no more in the statute book.

15. Section 86 of the Registration Act, 1908, provides protection to the Registering Officer in respect of the actions done in good faith. Section 86 denotes "Registering Officer not liable for thing bona fide or refused in his official capacity". It states that "no registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity". Therefore, the involvement of the Registering Authority relating to the allegations of fraud, cheating, impersonation ought to be proved beyond any pale of doubt before the competent forum and in the absence thereof, no action is permissible against the Registering Authority in view of the statutory protection provided under Section 86 for the official duties performed in good faith.

16. Referring to Rule 54 and Rule 55 of the Registration Rules, the said Rules contemplate the procedures to be followed before the Registration. Chapter XI with reference to Section 35 of the Registration Act, 1908 contemplates the procedures on admission and denial of execution of the documents. Rule 54 and Rule 55 of the Registration Rules, 1908 deal with "Enquiry before registration". Therefore, the said Rules empower the Registering Authority to verify the document, identity etc., before the registration of documents. However, the said Rules are of no avail to the Appellant/Petitioner herein since the Sale Deed had been registered and thereafter the Appellant/Petitioner came to know that her property was alienated through alleged impersonation.

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17. Once a document is presented before the Registering Authority, and the Authority if find any irregularities/illegalities, powers are vested under the Act for initiation of action.

18. Therefore, in normal circumstances, documents once registered and released by the Registering Authority, and if any person aggrieved from and out of such registration on account of impersonation, fraud etc., he has to approach the competent civil Court for cancellation of the documents/instruments or to prosecute the offenders under the criminal law by following the procedures as contemplated. The enquiry to be conducted by the Registering Authority or the District Registrar or the Inspector General of Registration as the case may be confined with reference to the procedures to be followed and in the context and scope of the Registration Act, 1908, Rules and certainly not beyond that."

12. In recent times, fraudulent documents are frequently identified by the authorities. It is an offence and would result in larger repercussions, depriving the civil rights of persons concerned. Thus, state authorities are expected to be vigilant while registering the documents under the Act, identifying the presentant of the document during verification and the rights of the person for registering the documents are to be scrupulously done to avoid illegal and fraudulent registrations. Registration Act and Rules provide

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comprehensive procedures and the competent authorities are expected to scrupulously follow the procedures, so as to ensure that the documents are registered after verification and by ascertaining the right of persons. Registering authority, committing commission, omission, dereliction of duty, negligence or involving in corrupt practices are to be prosecuted and they must be subjected to departmental disciplinary proceedings. Head of the department has to monitor the activities of the registering authority to prevent registration of fraudulent and illegal documents. It is the duty of the State to protect the rights and interests of the citizens, namely the persons presenting documents for registration. In the event of failure on the part of the executives, resulting in infringement of right or financial loss, the State must be held responsible and accountable for such lapses, negligence or dereliction of duty. An aggrieved person in such circumstances is entitled to claim compensation from the State, and the State, in the event of paying compensation has to recover the same from the officials, who are involved in registration of such illegal and fraudulent documents.

13. Property right is a valuable

https://www.mhc.tn.gov.in/judis

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constitutional right under Article 300A of the Constitution of India. It is the duty mandated on the State to protect the property right of the citizen, since it is a constitutional right. Allowing fraudulent registration, corrupt practices in registration department or allowing illegal registration to happen, State must be held accountable and answerable to the citizen, who are registering documents under the Registration Act….."

4. The Division Bench of this Court again reiterated the said proposition in the case of ***The Sub Registrar Vs. A.Nithiyanandam***[3]***.*** The relevant paragraphs are extracted hereunder:

"…..5. Legal principles established are that High Court in exercise of powers of judicial review is not expected to adjudicate disputed issues of civil nature. Such civil disputes are to be adjudicated in a trial nature proceedings based on original documents available on record. Registering Authority under Registration Act is empowered to verify genuineness of document presented for registration and rights of Presentor for registration of document presented. While exercising the power to verify the right of a person to register document, necessarily

[3] 2026:MHC:4280

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Registering Authority has to verify genuineness of document as well as the right of a person. Mere scrutinisation of document or raising certain suspicion about the document produced by Presentor of document would not constitute a ground to raise that Registering Authority has adjudicated the civil right or title. Any finding regarding ownership or title, if at all made in an order, passed under Section 71 of the Act, 1908, it is to be confined only to the extent of registering the document and such finding would not confer any vested right to person, claiming right over the property nor such findings can be construed as a declaration of title or ownership for the purpose of claiming rights.

6. Therefore, it is made clear that enquiry conducted by Registering Authority of Appellate Authority under Registration Act is only for the purpose of ascertaining the right of the Presentor of document for registration and during the course of enquiry, necessarily, Authorities have to consider the fact and make a finding for arriving at a conclusion. Finding or conclusion made in an administrative order passed under the Registration Act would not be a ground to claim title or ownership before Civil Court or before any other Forum.

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7. In the context of powers of Registering Authority under Section 71 of the Registration Act and Appellate Authority under Section 72 of the Registration Act, the Scheme under Registration Act is to be necessarily considered by this Court. Registration of a document involves civil rights of parties. Any registration of document would lead to transfer of right, title, ownership, etc. Therefore, Authorities have been conferred with the power to examine document and ascertain the right of a person for registering document.

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 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

https://www.mhc.tn.gov.in/judis

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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 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

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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, 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

https://www.mhc.tn.gov.in/judis

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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 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….."

5. Relying on the judgment of the Division Bench of this Court in ***S.Indirani*** case cited *supra*, learned Single Judge disposed of the writ petition. Thus, appellant is at liberty to workout her remedy under the scheme of the Act for redressal of her grievances.

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6. With the above observation, the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
03-11-2026

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

GD

To

1. The District Registrar(Administration)
   Villupuram District,
   Villupuram
2. The Sub Registrar
   Sub Registrar office,
   Valavanur,
   Villupuram District

https://www.mhc.tn.gov.in/judis

2026:MHC:4480

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

GD

WA No. 3353 of 2026

03-11-2026

https://www.mhc.tn.gov.in/judis