

## **The Registering Authority can't refuse registration solely on the ground that the vendor's title is not established**

The Supreme Court in the case of **K. Gopi vs The Sub-Registrar [Civil Appeal No. 3954 of 2025]** dated April 07, 2025, was dealing with the refusal by the Sub-Registrar to register a sale deed pertaining to immovable property executed by one Jayaraman Mudaliyar in favour of the appellant, K. Gopi, on the ground that the vendor had not established his title to the property. When the matter reached the High Court, it was held that Rule 55A(i) of the Tamil Nadu Registration Rules (framed under the Registration Act, 1908) empowered the Sub-Registrar to refuse registration if the vendor's title was not established.

The Supreme Court examined Rule 55A(i) of the Registration Rules, which mandates that when a document related to immovable property is presented for registration, the registering officer shall not register it unless the previous original deed was presented by which the executant acquired title, and an encumbrance certificate had been obtained. In the absence of an original deed, the supporting documents, like revenue records or police non-traceable certificates, would also suffice.

The Apex Court then reviewed Sections 22-A and 22-B of the Registration Act, introduced by way of amendment by the State of Tamil Nadu, which enumerate specific categories of documents that a registering officer can refuse to register; however, none of these provisions authorize refusal of registration solely on the ground that the vendor's title is not established. Therefore, the refusal of registration on such a ground is beyond the statutory mandate of Sections 22-A and 22-B.

The Apex Court reiterated that under the scheme of the Registration Act, the registering officer's role is administrative, not adjudicatory, and it is not his function to ascertain the validity of the title of the person executing the document. Even if the executant does not have a valid title, registration cannot be refused on non-compliance of statutory formalities such as proper execution, appearance of parties, payment of stamp duty and fees. If the vendor has no right or title, the registered document will not transfer any interest. But this is a matter for civil courts to determine, not the registering authority.

The Hon'ble Supreme Court thus held that Rule 55A(i) of the Tamil Nadu Registration Rules, by requiring production of prior title documents and encumbrance certificates as a precondition for registration, is inconsistent with the parent Act, i.e., the Registration Act, 1908, itself. It imposes additional conditions not contemplated under the statute and confers an adjudicatory power on the registering officer that the Act does not intend. Hence, the Court declared Rule 55A(i) as ultra vires the Registration Act.

### **Link**

[https://api.sci.gov.in/supremecourt/2024/22731/22731\\_2024\\_4\\_1501\\_60778\\_Judgement\\_07-Apr-2025.pdf](https://api.sci.gov.in/supremecourt/2024/22731/22731_2024_4_1501_60778_Judgement_07-Apr-2025.pdf)