



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11495 of 2021

Balasubramanian

... Petitioner

Vs.

The Joint - II Sub Registrar,
Office of the Sub Registrar Office,
Cheranmahadevi,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal slip in RFL/Joint-II Sub Registrar Cheranmahadevi/R/2021, dated 05.07.2021 and quash the same as illegal and consequently direct the respondent to register the mortgage deed presented by the petitioner for registration within the time that may be stipulated by this Court.

For Petitioner : Mr.D.S.Haroon Basheed

For Respondents : Mr.R.Suresh Kumar
Government Advocate

ORDER

On consent given by either side, the main writ petition itself is taken up for final hearing.

2.The petitioner is the owner of the subject property through a registered sale deed registered as document No.698/2021. The petitioner wanted to avail loan for a sum of Rs.6,00,000/- (Rupees Six Lakhs only), from one Muthukumar. For that purpose, he executed a mortgage deed in favour of the said Muthukumar and the subject property was given as a security.

3.When the document was presented for registration, the respondent has refused to register the document on the ground that the value of the property is lesser than the total loan amount that is taken by the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4.Heard Mr.D.S.Haroon Basheed, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents.



5.In the considered view of this Court, it is not the lookout of the respondent as to why the property that is given as a mortgage has a lesser value than the loan amount that is extended to the petitioner. It is something which should be the concern for the person who is giving the loan to the petitioner. The respondent has to merely register the document by collecting the necessary stamp duty and registration charges.

6.The respondent has exceeded his jurisdiction and hence, the impugned refusal check slip issued by the respondent, on 05.07.2021, is hereby quashed. There shall be a direction to the respondent to entertain the mortgage deed, if it is otherwise in order and necessary stamp duty and registration charges has paid.

7.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Joint - II Sub Registrar,
Office of the Sub Registrar Office,
Cheranmahadevi,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-22130[F] dated 12/07/2021)

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RC (16.07.2021) 2P-3C