



W.P.No.8288 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8288 of 2023

V.Ezhilarasi

...Petitioner

Vs

The Sub Registrar,
Registration Department,
Kaadampuliyur,
Cuddalore District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip in RFL/Kaadampuliyur/2/2023 dated 23.01.2023 on the file of respondent herein, quash the same and consequently direct the respondent herein to register the Sale Deed dated 23.01.2023 executed by the petitioner to and in favour of Kumares within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader



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ORDER

Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondent.

2.The writ petition has been filed, challenging the impugned Refusal Check Slip in RFL/Kaadampuliyur/2/2023 dated 23.01.2023, issued by the respondent herein and seeking for a direction to the respondent herein to register the Sale Deed dated 23.01.2023, executed by the petitioner, within a stipulated period.

3.When the petitioner had presented a Sale Deed dated 23.01.2023, the registration of the same was refused by the respondent on the ground that there is an encumbrance over the subject properties of a registered Sale Agreement in Document No.2188/2010.

4.The issue as to whether the registering authority can refuse registration on the ground that there is an encumbrance of Sale



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Agreement in the subject property has come up for consideration before the Hon'ble Division Bench of this Court in the case of N.Ramayee vs. Sub Registrar, Registration Department and another reported in 2020 (6) CTC 697, in which, it was held as follows:

'46.Accordingly, we answer the reference as follows:

If an agreement for sale is registered in respect of immovable property, the same will not be a bar for the owner of the property to effect subsequent transfers in respect of the same property. The Registrar has no right to refuse to register the document, except the documents relating to immovable properties mentioned in Section 22-A of the Tamil Nadu Act and as contemplated under Rule 162 of the Registration Rules.'

5.The aforesaid extract is self explanatory. As such, the reason assigned by the respondent for refusing to register the Sale Deed on the ground that there is an encumbrance over the subject properties of a registered Sale Agreement in Document No.2188/2010, cannot be sustained. Accordingly, the impugned Refusal Check Slip in RFL/Kaadampuliyur/2/2023 dated 23.01.2023 is set aside. Consequently, there shall be a direction to the Sub Registrar to register the petitioner's Sale



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M.S.RAMESH,J.

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Deed dated 23.01.2023, within a period of two weeks from the date of receipt of a copy of this order.

6.With the above directions, the Writ Petition stands allowed. No costs.

06.04.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

The Sub Registrar,
Registration Department,
Kaadampuliyur,
Cuddalore District.

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