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Writ Petition No.15978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.15978 of 2023

Murugesan

... Petitioner

-Vs-

The Joint Sub-Registrar No.2,
Registration Department,
Coimbatore.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned “Refusal Check Slip” in RFL/Joint 2 Sub Registrar Coimbatore/176/2022 dated 12.11.2022 issued by the respondent herein, quash the same and consequently direct the respondent herein to register the Release Deed dated 22.08.2022 executed by the petitioner herein to and in favour of his brother Subramanian within a stipulated period.

For Petitioner : Mr.S.Sriram

For Respondent : Mr.D.Ravichander
Special Government Pleader



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ORDER

The refusal check slip issued by the Joint Sub-Registrar -II, Registration Department, Coimbatore dated 12.11.2022 is sought to be quashed in the present writ petition.

2. The petitioner presented a release deed for registration before the respondent. The respondent returned the document along with the refusal check slip by stating that the subject property is under mortgage.

3. As far as the private mortgages are concerned, the same cannot be a ground to reject the registration, since it is between the two private parties and the Registration Act do not prohibit any registration. The issues in this regard are considered by this Court in the case of ***Mr.N.Chinnasamy Vs.District Registrar (Admin)*** reported in **2023 2 MLJ 31**. Thus, the issues are no more *res-integra*.

4. In view of the fact that the refusal check slip was issued only on the ground of mortgage, the order is untenable. Accordingly, the impugned refusal check slip passed by the respondent in proceeding



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No.RFL/Joint 2 Sub-Registrar Coimbatore/176/2022 dated 12.11.2022 is

quashed and the writ petition stands allowed. No costs.

05.06.2023

Index : Yes

Speaking order: Yes

Neutral Citation:Yes/No

mp

To

The Joint Sub-Registrar No.2,
Registration Department,
Coimbatore.



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S.M.SUBRAMANIAM, J.

mp

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