



W.P(MD)No.25306 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25306 of 2023

and

W.M.P.(MD)No.21495 of 2023

P.Kumaran

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar, Kolathur,
PWD Campus, Keeranur (Housed in),
Pudukkottai District-622 502.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order made by the respondent in Refusal Number in RFL/Kolathur/86/2023 dated 02.08.2023 and quash the same and consequently directing the respondent to register the petitioners Sale Deed dated 02.08.2023 in the light of the judgement passed by this Honble Court in WP.No.2758/2023 dated 08.02.2023 within a period stipulated time by this Court.

For Petitioner : Mr.M.Rajarajan



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For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner wants to register the petition mentioned property.

The respondents declined to register the same, since the original document was not produced. In this case, it appears that the property was mortgaged by deposit of title deed. The subsistence of the mortgage cannot come in the way of execution of the sale deed. The petitioner can re-present the document along with his vendor. The respondent will receive it, register it and release it subject to fulfilment of other usual formalities. It goes without saying that the petitioner's rights will be subject to prior mortgage.

3. The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

24.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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The Sub Registrar,
Office of Sub Registrar, Kolathur,
PWD Campus, Keeranur (Housed in),
Pudukkottai District-622 502.



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G.R.SWAMINATHAN, J.

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