



WEB COPY



W.P.No.17631 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.17631 of 2023

S.Shriraam

.. Petitioner

Vs

1.The Inspector General of Registration
Inspector General of Registration Office
100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalai Puram
Chennai 600 028

2.The Sub Registrar
Sub Registrar Office
Madhavaram
No.7, Roja Nagar, Madhavaram
Chennai 600 060

3.State Bank of India
Saidapet Branch
No.474, Anna Salai
CIT Nagar East
Chennai 600 035

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 03.05.2023 made in RFL/Madhavaram/3/2023 on the file of the 2nd respondent, quash the same and consequently, direct the



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2nd respondent to register the sale agreement dated 03.05.2023 submitted by the petitioner, within a stipulated time as fixed by this Court.

For Petitioner : Mr.R.Thirumoorthy
For R1 & R2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
For R3 : No appearance

ORDER

Challenging the refusal check slip dated 03.05.2023 issued by the 2nd respondent in RFL/Madhavaram/3/2023, this writ petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

3. When the petitioner presented a Sale Agreement dated 03.05.2023 for registration, the same was refused to be registered by the 2nd respondent, on the ground that since the property is under mortgage, sale agreement cannot be registered as per Section 55-A of the Registration Act. Hence, the present writ petition.

4. In the counter filed by the respondents 1 and 2, it is their stand that in



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view of the bar under Rule 55-A of the Registration Act, the impugned refusal check slip has been issued.

5. This Court is of the view that mere fact of the property being mortgaged is not a bar for registration of the subsequent transaction, as it will not take away the mortgage already created. Following the law laid down by this Court in *N. Ramayee v Sub-Registrar [(2020) 6 CTC 697]* and *Federal Bank Vs. Sub Registrar and Others [(2023)2 CTC 289]*, the impugned order passed by the 2nd respondent is set aside and the 2nd respondent is directed to register the Sale Agreement of the petitioner, within a week's time from the date of receipt of a copy of this order.

With the above direction, this writ petition stands allowed. No costs.

01.07.2024

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Index : Yes/No

Neutral Citation : Yes/No

N.SATHISH KUMAR, J.

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To

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