



W.P.(MD)N.19457 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19457 of 2024
and WMP(MD)No.16527 of 2024

D.Samikkan

.. Petitioner

Vs

1. The District Registrar,
Tirunelveli.
2. The Sub Registrar,
O/o.The Sub Registrar,
Moolakkaraipatti,
Thisayanvilai Taluk,
Tirunelveli District.
3. The Secretary
Primary Agricultural Cooperative Bank(EE435),
Parappadi,
Nanguneri Taluk,
Tirunelveli District.

.. Respondents

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 no. RFL/Moolakkaraipatti/37/24 dated 18.06.2024 issued by the Sub Registrar Moolakkaraipatti, the 2nd respondent herein in respect of the



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properties comprised in Survey Nos.561/5A, 559/11B, 554/6B situate at Ramakrishnapuram Village, Thisayanvilai Taluk, Tirunelveli District and quash the same and consequently directing the 2nd respondent to entertain the mortgage document presented by the 3rd respondent bank for cancelling the mortgage in the name of the petitioner.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenge has been made to the refusal slip dated 18.06.2024, issued by the second respondent.

2. Heard both sides and perused the materials available on record.

3. The case of the petitioner is that the petitioner is the absolute owner of the property in question. On 08.11.1990, he availed an agricultural loan for a sum of Rs.6,000/- by mortgaging the property by surrendering the original title deeds as per the procedures of the 3rd respondent Bank. During the year 2006, the agricultural loan availed by



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him was waived by the Government of Tamil Nadu and accordingly, the loan was closed. When the petitioner presented the document to cancel the mortgage before the Sub Registrar, the same has not been registered on the ground that the case is pending before the Economic Offences Wing.

4. As the impugned order itself is against the well settled position of law, this Court is of the view that the impugned order cannot be sustained. Further, this matter is no longer *res integra*. In this regard, this Court, in ***Subramani v. Office of Sub-Registrar, Rasipuram***, in W.P.No.11056 of 2024, dated 26.04.2024, has categorically held that refusals cannot be ordered automatically. Pursuant to the said judgment, a detailed circular was already issued by the Inspector General of Registration, Chennai, in Circular No.22482/C1/2022, dated 12.07.2024, and in spite of the said circular, the authorities mechanically refuse to register the documents. Mere citing some objections in the form of letters, document cannot be refused to be registered. Unless there is an attachment order passed by the competent Court, as a matter of right, the document cannot be refused to be registered. Further, it is to be noted that it is not a case of transfer of property, it is only to discharge the mortgage.



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5. Therefore, this Writ Petition is allowed and the impugned order is set aside. The second respondent is directed to register the documents within a period of one week from the date of receipt or production of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2024

NCC : Yes / No
Index : Yes / No
PJL

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N.SATHISH KUMAR , J.

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