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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2801 of 2025

Arthanari
Vs.

..Petitioner

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
Santhome, Chennai – 600 004

2. The Sub Registrar,
Tharamangalam Sub-Registration Office,
Tharamangalam – 636 502
Salem District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned refusal order dated 05.09.2024 in Refusal No.RFL/Tharamangalam/32/2024 passed by the 2nd respondent and quash the same consequently direct the 2nd respondent to register the settlement deed of the petitioner dated 04.09.2024 for its registration forthwith.

For Petitioner : Mr.M.R.Jothimanian



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For Respondent : Mr.M.Shahjahan
Special Government Pleader
for R1 and R2

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent dated 05.09.2024 refusing to register the settlement deed executed by the petitioner dated 04.09.2024.

2. Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for Respondents 1 and 2.

3. On carefully going through the refusal check slip, it is seen that the settlement deed was refused to be registered on the ground that there is already a entry available in the encumbrance certificate to the effect that a sale agreement was executed in favour of the 3rd party and the same has not been cancelled.

4. In the considered view of this Court, the reason that was assigned by the 2nd respondent for refusing to register the settlement deed is not

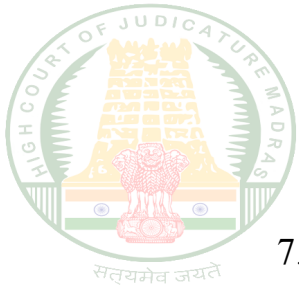


sustainable in the light of the judgement of this Court in *[N.Ramayee Vs. Sub-Registrar, Salem and another]* in 2020 6 CTC 697. The relevant portion is extracted hereunder :-

35. Reading of the above section makes it clear that there is no bar for successive transfers. However, the rights in later transfer shall always be subject to the rights already created in earlier transfer.

5. It is therefore clear from the above judgment that if an agreement of sale is registered in respect of an 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.

6. In the light of the above discussion, the impugned refusal check slip issued by the 2nd respondent dated 05.09.2024 is hereby quashed and there shall be a direction to the 2nd respondent to register the document, if it is otherwise in order.



7. In the result, this writ petition is allowed with the above directions.

No costs.

04.02.2025

Internet : Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
rka

N. ANAND VENKATESH, J.

rka

To



1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
Santhome, Chennai – 600 004

2. The Sub Registrar,
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