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Writ Petition No.3896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3896 of 2025

Amirthalingam
S/o.Arumugam

... Petitioner

Vs.

The Sub-Registrar,
Mecheri Sub-Register Office,
Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Refusal Check Slip No.RFL/Mecheri/2/2025 dated 21.01.2025 issued by the respondent and quash the same and consequently direct the respondent to register the Settlement Deed dated 20.01.2025, which was presented by the petitioner.

For Petitioner : Ms.G.Ambika

For Respondent : Mr.M.Shahjahan
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the refusal check slip dated 21.01.2025 issued by the respondent and for a consequential direction to the respondent to register the Settlement Deed dated 20.01.2025, which was presented by the petitioner.

2. Heard Ms.G.Ambika, learned counsel for petitioner and Mr.M.Shahjahan, learned Special Government Pleader appearing for respondent.

3. The case of the petitioner is that the subject property was originally owned by his father and he executed a settlement deed dated 01.06.2009 in favour of the petitioner. The patta in Patta No.247 also stood in the name of the petitioner. Earlier, the petitioner executed a sale agreement dated 30.08.2012 and also executed a Power of Attorney and both these documents were registered. Subsequently, the sale agreement did not go through and Power of Attorney document was also cancelled. The petitioner wanted to settle the property in favour of his sons. Accordingly, the settlement deed dated 20.01.2025 was executed and presented for registration before the respondent.



4. The respondent, through impugned refusal check slip dated 21.01.2025 refused to register the document on two grounds. The first ground is that the original title deed was not produced at the time of registration. The second ground is that there is already an entry in the encumbrance certificate with respect to the sale agreement.

5. Insofar as the second ground is concerned, mere execution of a sale agreement will not bar the petitioner from dealing with the property. The law on this issue has now been settled by the judgment of this Court in *N.Ramayee v. Sub-Registrar and another* [2020 (6) CTC 697].

6. Insofar as the first ground is concerned, the petitioner, in the affidavit filed in support of the writ petition, has mentioned that the original title deed was misplaced by the Power of Attorney agent and the same is not traceable. This reason can be included as one of the clause in the settlement deed itself and the settlement deed can be presented for registration. On such re-presentation, the respondent shall register the settlement deed, if it is otherwise in order.



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N.ANAND VENKATESH, J

gm

This writ petition is allowed with the above direction. No costs.

12.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

The Sub-Registrar
Mecheri Sub-Register Office
Salem District.

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