



Writ Petition No.9093 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9093 of 2025

G.Sujatha

W/o.Govidayya.J

... Petitioner

Vs.

1. The Sub Registrar Periamet

Manickam Salai, Kundrathur, Chennai-69

2.C.Jayalakshmi

W/o. Chandramohan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Proceedings dated 27.02.2025 in Check Slip No.RFL/Periamet/13/2025 on the file of the first respondent and quash the same and consequently direct the first respondent to register the sale deed presented by the petitioner dated 27.02.2025 within a time frame.

For Petitioner : Mr.P.Raja

For Respondents : Mr.U.Baranidharan
Special Government Pleader [R1]



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ORDER

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This writ petition has been filed challenging the impugned refusal check slip dated 27.02.2025 issued by the first respondent and for a consequential direction to the first respondent to register the sale deed presented by the petitioner dated 27.02.2025 and release the document.

2. Heard Mr.P.Raja, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for first respondent.

3. The first respondent has issued the refusal check slip mainly on the ground that there is already a mortgage created in favour of the second respondent by the mother of the petitioner in Document No.44 of 1995, which was registered before the first respondent.

4. In the considered view of this Court, the mother of the petitioner has died and it has been specifically stated in the affidavit filed in support of the writ petition that the other legal heirs *viz.*, brothers and sisters have orally assigned the mortgage in favour of the petitioner. That apart, a portion of the sale consideration that is payable by the petitioner



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is also adjusted from the loan amount that was taken from the mother by the second respondent towards which the mortgage deed was executed by the second respondent.

5. The necessary recitals to the effect that the mortgage was assigned in favour of the petitioner by the other legal heirs and that a portion of the sale consideration payable by the petitioner is adjusted towards the mortgage amount, shall be specifically mentioned in the sale deed. In such an event, the first respondent shall entertain the sale deed and register the same, if it is otherwise in order.

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

18.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

The Sub Registrar Periamet
Manickam Salai, Kundrathur, Chennai-69



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N.ANAND VENKATESH, J

gm

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