



W.P. No16141 of 2025.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16141 of 2025

and

W.M.P.No.18277 of 2025

Vasuki

... Petitioner

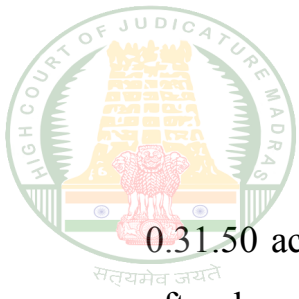
Vs.

1. The Sub Registrar,
Karimangalam Sub-Registrar Office,
Dharmapuri District,
Tamil Nadu.

2. The District Registrar,
District Registrar Office,
Gandhi Nagar,
Dharmapuri District 636 701.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip bearing No.RFL/Karimangalam/80/2025, dated 20.03.2025, issued by Respondent No.1, the Sub-Registrar, Karimangalam, quash the same, and consequently direct Respondent No.1 to register the sale deed executed by Mrs. Salammal, wife of Periyannan, in favor of the petitioner, Mrs.Vasuki, for the land measuring



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0.31.50 acres situated in Narianalli Village, Survey Nos, 186/5A2A1 and 186/8, after due enquiry and verification.

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For Petitioner(s) : Mr. L.S.Janarthananraj
For Respondent(s) : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.V.Baranidaran
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of certiorarified mandamus, to quash the impugned order bearing No. RFL/Karimangalam/80/2025, dated 20.03.2025, issued by Respondent No.1, the Sub-Registrar, Karimangalam and consequently direct Respondent No.1 to register the sale deed executed by Mrs. Salammal, wife of Periyannan, in favor of the petitioner, Mrs.Vasuki, for the land measuring 0.31.50 acres situated in Narianalli Village, Survey Nos, 186/5A2A1 and 186/8, after due enquiry and verification.

3. At the outset it is submitted by the learned Additional Advocate General that the issue stands covered by an order of division bench of this Court in



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W.P.No.674 of 2020 dated 05.11.2020, wherein while considering the

circumstances under which the registrar may refuse registration in terms of

Section 22 A of Registration Act, 1908, it has been held as under:

“37. Accordingly, we answer the reference as follows:

If an agreement for sale is registered in respect of 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. The Registrar has no right to refuse to register the document, except the documents relating to immovable properties mentioned in Section 22~A of the Tamil Nadu Act and as contemplated under Rule 162 of the Registration Rules.

38. It is also brought to our notice about the new circular in No. 24011/C1/2020 dated 08.10.2020. It is the contention of the learned Additional Advocate General that the Registrar has power to regulate the registration in order to prevent fraud and hence, the Registrar is having powers under the Registration Act to regulate the registration and the right to refuse the document and that such power is available under Section 71 of the Registration Act. Such contention is not acceptable for the simple reason that the circular bars transfer of property on the ground that when a lease is already executed in respect of the property, without expiry of the lease, transfer cannot be permitted or without consent of lessee no registration is permissible. Further, insisting a no objection from mortgagee before registration is also against the very substantive provision of law. If any property is sold with existing mortgage, the transferee steps into the shoes of mortgagor. He has the right to redeem the property by paying the mortgage money. Therefore in the name of regulating the registration, any circular which is in the nature of violating the substantive provision of law, which deals with the transfer of property, then such circular cannot stand in the eye of law. If the contention of learned Advocate General that without seeking declaration and cancellation of the agreement of sale, subsequent agreement or transaction cannot be registered, is accepted then such restriction, in fact, infringes the very Constitutional right of the citizen provided under Article 300 A of the Constitution.

39. We are of the view that except as provided in the Registration Act and any other statute, the Registrar has no power to refuse to register a document. Though the object of the Act is to prevent fraud,



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such occasion arises only where some private properties are notified under the Tamil Nadu Private Forest Act. In such case, sale of such property without permission of the Collector of the District is void. Only when such notification is available in respect of any property, the Registrar can verify whether the sanction of the Collector is obtained or not. Similarly, whenever properties have been declared as forest land or elephant corridor, etc., and the notification is available with the Registrar, based on the above notification he can exercise power. Except the above, the Registrar has no power to refuse to register the document."

3. The learned Additional Advocate General would further submit that in terms of the above Division Bench order of this Court, the impugned order cannot be sustained.

4. In view thereof, the impugned order is set aside. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

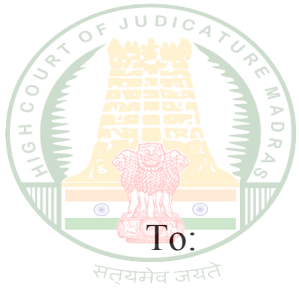
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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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MOHAMMED SHAFFIQ, J.

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