IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2025

CORAM

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.17854 of 2025

1.V.Subbiah
2.V.Kothai ... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes & Registration Department,
Secretariat Building, Fort St.George,
Chennai - 600 001.

2.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavellipakkam,
Raja Annamalai Puram,
Chennai - 600 028.

3.The Sub-Registrar,
(Konnur),
39/6, Thiruvallur High Road,
Puduchatram Post, Thirumazhisai,
VIA, Poonamallee, Chennai, Tamil Nadu - 600 124.
... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to register the Deed of Release presented by the writ petitioners on 26.03.2025 as per the mandates of the Registration Act, 1908 and Rules connected therewith.

For Petitioners	:	Mr.P.M.Gopalakrishnan
For Respondents 1 to 3	:	Mr.U.Baranidharan, 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 mandamus to direct the third respondent to register the Deed of Release presented by the writ petitioners on 26.03.2025 as per the mandates of the Registration Act, 1908 and Rules connected therewith.

3. It is submitted by the learned counsel for the petitioners that the property comprised in No.138, 6th Street, Baba Nagar, measuring

approximately 3,460 sq.ft in Survey No.206/3, Konnur Village belongs to petitioners' father. After his demise, the petitioners became the absolute owners of the aforesaid property. When the second petitioner attempted to release her share of property to the first petitioner, the third respondent refused to register the release deed and orally informed the petitioners that there was a subsisting mortgage in respect of the above property, though no refusal slip has been issued by the respondents.

4. Learned counsel for the petitioners would submit that the above assumption is erroneous, as there is no subsisting mortgage. Even if there is any subsisting mortgage, the same is no reason for the third respondent herein to refuse registration.

5. At the outset, it is submitted by the learned Special Government Pleader for the respondents that the petitioners may resubmit the documents and the same will be considered and orders will be passed, within the time frame that may be fixed by this Court, which was agreed to by the learned counsel for petitioner.

6. In view thereof, the writ petition stands disposed of with the direction to the petitioner to resubmit the documents to the third respondent and on resubmission, the third respondent shall register the sale deed, if it is otherwise in order. If for any reason the third respondent refuses to register the release deed, he shall assign reasons in the refusal slip, which was agreed by both counsel for the petitioners as well as respondents. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. No costs.

05.06.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
vm

To

1.The Secretary,
Commercial Taxes & Registration Department,
Secretariat Building, Fort St.George,
Chennai - 600 001.

2.The Inspector General of Registration,
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MOHAMMED SHAFFIQ.J.,

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