



W.P.No.16062 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.16062 of 2025
and
W.M.P. No.18174 of 2025

E.Yuvaraj

.. Petitioner

VS

1.The Sub Registrar,
Registration Department,
Kangayam, Tiruppur District.

2.S.Nataraj
3.Immanuvel Nadar

4.The Assistant Commissioner,
HR and CE Department,
Tiruppur, Tiruppur District.

5.The Tahsildar,
Kadaiyur Village, Tiruppur District.

6.The Surveyor,
Kadaiyur Village, Tiruppur District.

.. Respondents

(R4 suo motu impleaded vide order
dated 08.07.2025 in W.P.No.16062 of 2025)
(R5 and R6 are suo motu impleaded vide
order dated 25.10.2025 in W.P.No.16062 of 2025)

Petition filed under Article 226 of The Constitution of India
praying for the issuance of a writ of certiorarified mandamus to call
for the entire records relating to the impugned order passed by the
first respondent in his proceedings Na.Ka.No.108/2025 dated
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28.03.2025 and consequential refusal check slip issued by the first respondent in Refusal No.RFL/Kangayam/33/2025 dated 15.04.2025 and quash the same and consequently direct the first respondent to entertain the petitioner's document for redemption of the mortgage deed and register the same in respect of the land situated in R.S.No.340/5A, Kadaiyur Village, Kangayam Taluk, Tiruppur District to the extent of 1.69 acres.

For Petitioner	:	Mr.C.Prakasam
For Respondents	:	Mr.U.Baranidharan, Special Government Pleader for R1, R5 and R6 Mr.C.Shankar for R2 and R3 Mr.K.Karthikeyan, Government Advocate for R4

ORDER

The petitioner asserts title over land in R.S.No.340/5A, Kadayur Village, Kangayam Taluk for the extent of 1.69 acres on the basis of settlement deed dated 25.04.2018. It is stated that the subject property belonged to petitioner's ancestors and that the petitioner has obtained a share under partition deed dated 12.03.1980. An agricultural loan was availed later by the petitioner by mortgaging the land in favour of Axis Bank. After repaying the loan along with interest thereon, the petitioner submitted an instrument relating to the discharge of the loan and the redemption of mortgage. The registration thereof was refused by order dated 28.03.2025, which is impugned herein.

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2. Learned Special Government Pleader invited my attention to the impugned order and pointed out that the Sub Registrar took note of O.S.No.259 of 2024 on the file of the Sub Court, Kangeyam. On that basis, he submits that the registration of the instrument was declined.

3. Learned counsel for the second and third respondents submits that there is a temple on the land and that devotees have been worshipping at the said temple for about 100 years. Therefore, he submits that further registrations should not be permitted in relation to the said property.

4. By asserting that the loan availed of from the Axis Bank had been discharged along with interest thereon, the petitioner endeavoured to register the receipt discharging the petitioner of liability under the said loan and for redemption of mortgage. After noting that O.S.No.259 of 2024 had been filed by the petitioner, seeking a declaration that the petitioner is the owner of the property, the Sub Registrar rejected the request for registration. Merely because the suit for declaration of title is pending in relation to the relevant property, the Sub Registrar cannot decline a request to register a discharge receipt. Therefore, the impugned order cannot be sustained and is hereby set aside. As a corollary, the Sub Registrar is directed to register the discharge receipt subject to

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compliance with other requirements in that regard. This order will not, however, stand in the way of parties canvassing their rights in relation to the relevant property before the jurisdictional civil Court.

5. This writ petition is disposed of on the above terms. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

04.12.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

- 1.The Sub Registrar,
Registration Department,
Kangayam, Tiruppur District.
- 2.The Assistant Commissioner,
HR and CE Department,
Tiruppur, Tiruppur District.
- 3.The Tahsildar,
Kadaiyur Village, Tiruppur District.
- 4.The Surveyor,
Kadaiyur Village, Tiruppur District.



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