



W.P.No.19900 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.19900 of 2025

M.Murugan

... Petitioner

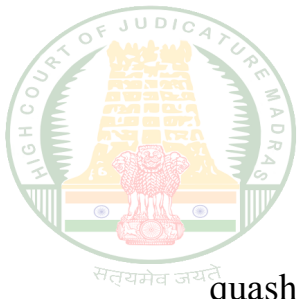
Vs.

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
Santhome,
Chennai - 600 004.

2. The Sub Registrar,
Joint-1, Sub Registrar Office,
Salem East,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip issued by the second respondent in Refusal No.RFL/01/SALEM EAST/103/2025 dated 29.05.2025 and



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quash the same and consequently direct the second respondent to register the sale deed dated 23.05.2025 for its registration forthwith.

For Petitioner : Mr.M.R.Jothimanian
for Mr.S.Mohamed Abbas

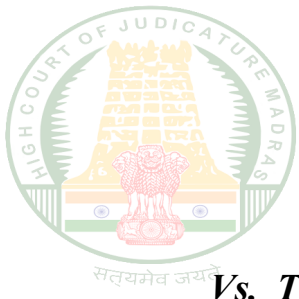
For Respondents : Mr.Abishek Murthy
Government Advocate

ORDER

The present writ petition is filed challenging the impugned refusal check slip issued by second respondent dated 29.05.2025, refusing to register the sale deed.

2. It is submitted by learned counsel appearing for petitioner that the sale deed was refused to be registered on the premise that there is an earlier sale agreement.

3. Learned counsel for petitioner would place reliance upon the judgment of the Division Bench of this Court in the matter of *N.Ramayee*



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Vs. The Sub Registrar, Registration Department, Valapady - 636 115, Salem District and another (2020 (6) CTC 697), wherein it was held as under:

"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



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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."

4. The said judgment is followed by the learned Single Bench of this Court in the matter of ***Arthanari Vs. Inspector General of Registration, Registration Department, Government of Tamil Nadu, Santhome, Chennai - 600 004 in W.P.No.2801 of 2025***, wherein it was held as under:

"4. In the considered view of this Court, the reason that was assigned by the 2nd respondent for refusing to register the settlement deed is not sustainable in the light of the judgement of this Court in [N.Ramayee



Vs. Sub-Registrar, Salem and another] in 2020 6 CTC

697. The relevant portion is extracted hereunder :-

35. Reading of the above section makes it clear that there is no bar for successive transfers. However, the rights in later transfer shall always be subject to the rights already created in earlier transfer.

5. It is therefore clear from the above judgment that if an agreement of sale is registered in respect of an 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."

5. In the light of the above discussion, the impugned refusal check slip issued by the second respondent dated 29.05.2025 is hereby quashed. The petitioner would resubmit the documents to the second respondent and on resubmission, the second respondent shall register the sale deed, if it is otherwise in order. The above position is not controverted by the learned Government Advocate for the respondents.



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6. In the result, this Writ Petition stands allowed. However, there shall be no orders to costs.

04.06.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Note: Issue order copy on 09.06.2025



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To

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
Santhome,
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2. The Sub Registrar,
Joint-1, Sub Registrar Office,
Salem East,
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MOHAMMED SHAFFIQ, J.

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