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WP No. 29754 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 29754 of 2025

1. Alamelu @ Alamelu Achi

Petitioner(s)

Vs

The Sub Registrar
Sub Registrar Office Gudalur Bazaar
Ooty District 643 212

Respondent(s)

PRAYER : Writ Petition filed Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent pertaining to refusal check slip dated 18.07.2025 bearing RFL / Gudalur / 73 / 2025 quash the same as arbitrary, illegal and violation of Registration Act and directing the respondent to entertain and register the settlement deed executed by the petitioner in favor S. Ramanathan in respect of the properties comprised in Old Survey no 153 / 1DI and New Survey No 1082 /12 and sub division survey No. 1082 / 12C measuring an extent of 5 Cents and the property comprised in Old Survey no 153/1D1, new survey no 1082 / 12 and sub division survey No 1082/12D measuring an extent of 5 cents as per patta No. 2341 altogether measuring an extent 10 Cents along with pathway right situated at G.R. Village, Gudalur 2, Gudalur Taluk, Nilgiris District in the light of the dictum laid down by this honble court in N. Ramayee Vs sub-Registrar, Valapadi, salem district and another reported in (2020) 8 MLJ 305.



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For Petitioner : Mr.R.Chandra Sudan

For Respondent : Mr.Abishek Murthy,
Government Advocate

ORDER

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

2. This Writ Petition is filed challenging the impugned refusal check slip dated 18.07.2025 bearing No. RFL/Gudalur/73/2025 whereby the settlement deed which was sought for registration was refused on the premise that there was an agreement of sale dated 30.07.2023 bearing Document No.892 & 893 of 2023.

3. It is submitted by the learned counsel for the petitioner that the reason stated for refusing the registration of settlement deed is contrary to the order passed by the Hon'ble Division Bench of this Court in case of *N.Ramayee Vs.The Sub-Registrar* reported in *2020(6) CTC 697* wherein it is held as under

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“46. 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.

48. *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, 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.*

49. *As already indicated, the purpose of registration is only to give a public notice. It is for the buyer or subsequent transferee to make reasonable enquiry. Doctrine of caveat emptor will also apply to every transfer. It is for them to verify the title of the property by making reasonable enquiry. At any event, subsequent transfer will always be subject to the rights already*



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created. Therefore, it cannot be said that merely because agreement for sale is registered without obtaining decree of declaration with such agreement is void, subsequent transfer is prohibited and cannot be registered. We hold that as discussed in our judgement, Registrar has no right to refuse to register the subsequent document on the basis that agreement of sale was already registered in respect of same property. Accordingly, the reference is answered. Post the writ petition in W.P.No.674 of 2020 before the learned singly judge for disposal.

4. This Court finds merits in the above submission, the Learned Government Advocate appearing for the respondent would submit that, the petitioner may be directed to represent the Settlement Deed and the same would be registered, if it is otherwise in order.

5. In view thereof, the impugned order is set-aside, it is open to the petitioner to re-present the settlement deed for registration, if any such Settlement Deed is re-presented, the respondent shall consider and register the same if it is otherwise in order, if for any reason the registering authority finds that the registration ought to be refused, the same shall be done after assigning appropriate reasons.



6. Accordingly, writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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The Sub Registrar
Sub Registrar Office Gudalur Bazaar
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MOHAMMED SHAFFIQ J.

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