



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3246 of 2025
and W.M.P.Nos.3595 & 3597 of 2025

Kaliappan

... Petitioner

Vs.

The Sub Registrar,
Harur,
Dharmapuri District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in Refusal No. RFL / Harur / 121 / 2024 passed by the respondent dated 29.07.2024 and to quash the same as illegal, incompetent and ultra vires and consequently direct the Respondent to register the sale deed dated 26.07.2024.

For Petitioner : Ms.R.Geethalakshmi

For Respondents : Mr.B.Vijay
Additional Government Pleader



ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the respondent dated 29.07.2024 and for a consequential direction to the respondent to register the Sale Deed dated 26.07.2024.

2.Heard Ms.R,Geethalakshmi, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of the respondent.

3.The case of the petitioner is that the subject property belongs to one Maikanni. She wanted to sell the property in favour of the petitioner. A Sale Deed was also executed on 26.07.2024. When the same was presented for registration before the respondent, it was refused to be registered by issuing the impugned Check Slip.

4.On carefully going through the impugned Check Slip, there are various reasons assigned for not entertaining the document. The main reason that has been assigned is that the property was already mortgaged by one Raji in favour of Perumal through a registered Mortgaged Deed dated 06.06.1991, which was



registered as Document No.1087/1991. In view of the same, the son of Raji one Murugesan gave the objection petition before the respondent. It is therefore clear that the property is already subject to mortgage and probably the original document must be available with the mortgagee. Under such circumstances, the respondent cannot mechanically entertain the Sale Deed when there is already an encumbrance against the property in terms of a Mortgage Deed. Therefore, unless the said mortgage is cancelled in the manner known to law, the respondent cannot entertain the document. Therefore, rightly the respondent has refused to register the document through impugned Check Slip dated 29.07.2024 and this Court does not find any ground to interfere with the same.

5.In the result, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

06.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

N. ANAND VENKATESH, J.



SSI

WEB COPY

To

The Sub Registrar,
Harur,
Dharmapuri District.

W.P.No.3246 of 2025
and W.M.P.Nos.3595 & 3597 of 2025

06.02.2025