



W.P. No.31961 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.31961 of 2025

Palaniyammal

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road, Chennai.

2. The District Registrar,
O/o. District Registrar Office,
Thiruppur District,
Thiruppur.

3. The Sub Registrar,
Sub Registrar Office,
Kunnathur,
Thiruppur District.

4. R.Gunasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip number: RFL/Kunnathur/18/2025 dated 31.07.2025 issued by the 3rd respondent and quash the same as illegal and



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consequently directing the 3rd respondent to accept and register the Partition

deed dated 31.07.2025 presented by the petitioner.

For Petitioner(s) : Ms.S.Sengkodi

For R1 to R3 : 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. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 4th respondent is dispensed with.

2. Though the prayer states that it is a partition deed, on perusal of the refusal slip as well as the document presented for registration, it would show that it is a Sale Deed which was refused registration.

3. The present writ petition is filed challenging the refusal check slip dated 31.07.2025, whereby sale deed was refused registration on the premise that an agreement for sale is registered, in respect of the subject property comprised in Survey No.63/3, measuring an extent of 32.50 Ares, situated at Erode District.



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4. It is submitted by the learned counsel for the petitioner that mere fact that there is a registered agreement for sale would not be a bar for subsequent transfers and registration thereof. In this regard reliance was placed on the judgment of this Court in the case of ***N.Ramayee vs. Sub-Registrar, Registration Department and another*** reported in (2020) 6 CTC 697. Relevant portion of the judgment is extracted hereunder:

“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



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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 created. Therefore, it cannot be said that merely because agreement for sale is registered without obtaining decree of declaration that such agreement is void, subsequent transfer is prohibited and cannot be registered. We hold that as discussed in our judgment, 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 single judge for disposal.”

5. This Court finds merit in the above submission of the learned counsel for petitioner. At this juncture, learned Special Government Pleader appearing for respondents 1 to 3 would submit that petitioner may re-present the sale deed along with relevant documents and the same would be considered and appropriate orders would be passed, if it is otherwise in order. Agreed to by the learned counsel for petitioner.

6. In view thereof, the impugned refusal check slip dated 31.07.2025 is set aside. It is open to the petitioner to re-present the sale deed for registration before the appropriate authority/ respondent. The concerned respondent shall consider and register the sale deed if it is otherwise in order. If for any reason, registration of sale deed is sought to be refused, the concerned respondent shall issue refusal slip/order assigning appropriate reasons. It is made clear that this



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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.

7. Accordingly, the writ petition stands disposed of. No costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Santhome High Road, Chennai.
2. The District Registrar,
O/o. District Registrar Office,
Thiruppur District,
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3. The Sub Registrar,
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MOHAMMED SHAFFIQ, J.

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