



W.P.No.36533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.36533 of 2025
and W.M.P.No.40828 of 2025

R.Kalavathy

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The Joint Sub Registrar-II,
Chennai Central Joint II,
Thousand Lights,
MIG Colony, Alwarpet,
Chennai - 600 018.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Refusal Number: RFL/Chennai Central Joint II/66/2025 by the second respondent dated 12.09.2025 and quash the same and consequently direct the respondents to receive the Settlement Deed dated 12.09.2025 and register the same.

For Petitioner : Mr.N.V.N.Margandeyan



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For Respondents : Mr.Abishek Murthy,
Government Advocate

ORDER

The relief sought for in this writ petition is to call for the records relating to the Refusal Number: RFL/Chennai Central Joint II/66/2025 by the second respondent dated 12.09.2025 and quash the same and consequently direct the respondents to receive the Settlement Deed dated 12.09.2025 and register the same.

2. Mr.Abishek Murthy, learned Government Advocate, takes notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

3. The case of the petitioner is that the petitioner is the absolute owner of the land and building situated at Old Door No.32, New door No.4, Sachithanantham Towers, Rutland Gate 2nd Street, Khader Nawaz Khan Road, Nungambakkam, Chennai - 600 006, Old Zone No.07, Present Zone No.09, Old Division No.109, Present Division No.111 within the municipal limits of Greater Chennai Corporation, bearing Re-



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Survey No.58/22, Block No.12, Nungambakkam Village, Egmore Taluk,

Chennai District measuring an extent of 8,352 sq.ft together with the Superstructure collectively measuring an extent of 16,197 sq.ft. The said property was mortgaged to M/s.Kotak Mahendra Bank by the petitioner by depositing her original title deeds. At present, the petitioner leased out the said property to one M/s.PSL Retail Private Limited. In order to settle the said property in favour of her daughter, she prepared a Settlement Deed and presented the same for registration before the second respondent. However, the same was refused vide refusal check slip dated 12.09.2025 on the ground that the property is encumbered with M/s.Kotak Mahindra Bank Ltd., and without No Objection Certificate, the settlement deed cannot be registered. Challenging the same, the petitioner has come forward with the present writ petition.

4. Learned Government Advocate appearing for the respondents would submit that since there is a mortgage in the property, the said settlement deed was not registered by the respondents.

5. Heard the learned counsel on either side and perused the



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materials available on record.

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6. In the present case, the petitioner presented the settlement deed dated 12.09.2025 for the purpose of registering the same in favour of her daughter. However, the respondents refused to register the same citing the reason that already a mortgage deed had been executed in respect of the subject property, and, therefore, settlement deed cannot be registered. Though this Court does not find fault in the process of rejecting the registration of the settlement deed on the part of the second respondent; it is upto the parties concerned to take the risk of settlement. Even by virtue of alienation, the mortgagee's right, in no way gets affected. Such being the case, mortgage is not a bar from further alienation of the parties concerned by virtue of either sale or settlement and it would be transferred along with the mortgage. Therefore the rejection order passed by second respondent dated 12.09.2025 is liable to be set aside. Accordingly, the same is set aside. Consequently, this Court directs the respondents to register the settlement deed dated 12.09.2025, if it is re-presented by the petitioner, without any delay.



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Accordingly, this writ petition stands allowed. No costs.

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Consequently, connected miscellaneous petition is also closed.

25.09.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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KRISHNAN RAMASAMY.J.,

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