



W.P.No.36907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 06.10.2025

CORAM
THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

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1.B.Praveenraj

2.M.V.Sakthikumar

... Petitioners

Vs.

1.The Sub Registrar,
Namagiripettai,
Namakkal District.

2.The Canara Bank,
Rep. By its Chief Manager,
Seerapalli Branch,
Seerapalli Post,
Rasipuram Taluk,
Namakkal District.

... 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 impugned refusal Check Slip in RFL/Namagiripettai/80/2025 dated 21.08.2025 passed by the first respondent, quash the same and consequently direct the first respondent to register the sale agreement dated 21.08.2025, in petitioner's name, in respect of the S.F.No.134/1 measuring 0.15 acres, S.F.No.134/1



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measuring 0.001/2 acres (UDS), SF No.134/2 measuring 0.14 acres, S.F.No.134/3 measuring 0.02 acres and SF.No.134/4 measuring 0.82 cents at Ariyagoundanpatti Village, Rasipuram Taluk, Namakkal District.

For Petitioners : Mr.N.Manoharan

For Respondent 1 : Mr.P.Harish,
Government Advocate

ORDER

The relief sought for in this writ petition is to call for the records relating to the impugned refusal Check Slip in RFL/Namagiripettai/80/2025 dated 21.08.2025 passed by the first respondent, quash the same and consequently direct the first respondent to register the sale agreement dated 21.08.2025, in petitioner's name, in respect of the S.F.No.134/1 measuring 0.15 acres, S.F.No.134/1 measuring 0.001/2 acres (UDS), SF No.134/2 measuring 0.14 acres, S.F.No.134/3 measuring 0.02 acres and SF.No.134/4 measuring 0.82 cents at Ariyagoundanpatti Village, Rasipuram Taluk, Namakkal District.

2. Mr.P.Harish, learned Government Advocate takes notice on behalf of the first respondent. By consent of both the parties, this writ



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petition is taken up for final hearing at the admission stage itself.

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3. The case of the petitioners is that the petitioners' vendors and his family members had entered into a partition deed dated 22.04.2016, in which the subject matter properties lying in S.F.No.134/1 measuring 0.15 acres, S.F.No.134/1 measuring 0.001/2 acres (UDS), SF No.134/2 measuring 0.14 acres, S.F.No.134/3 measuring 0.02 acres and SF.No.134/4 measuring 0.82 cents at Ariyagoundanpatti Village, Rasipuram Taluk, Namakkal District were allotted to the petitioners' vendor Mr.N.Manigounder as “B” Schedule. While so, the petitioners' vendor, his wife, his three daughters, his son and his daughter in law had mortgaged the aforesaid properties in Canara Bank for availing loan. Later, the same has been settled by way of one time settlement on 25.06.2024 and no due certificate was also issued on 20.08.2025 by the second respondent.

3.1. The petitioners' vendor Mr.N.Manigounder and his two daughters intend to sell the properties and entered into a sale agreement dated 21.08.2025 with the petitioners in respect of their undivided 3/5

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shares in the “B” Schedule of the partition deed stated supra. When they presented the sale agreement dated 21.08.2025, before the first respondent, the same was refused to register, citing the reason that the said property was mortgaged with the Canara Bank.

4. Learned counsel for the petitioners would further submit that the petitioners have purchased three shares i.e., 3/5 share in the “B” schedule of the partition deed and there is no impediment for the first respondent to register the said sale agreement dated 21.08.2025. He would further submit that in the present case though the discharge certificate has not been filed, the loan amount has already been settled and no due certificate has also been issued on 20.08.2025 by the second respondent.

5. Learned Government Advocate appearing for the first respondent would submit that though the second respondent has issued the no due certificate on 20.08.2025, no discharge certificate has been filed. Therefore, the first respondent refused to register the said sale agreement dated 21.08.2025.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case, the petitioners' vendor and his family mortgaged their property and entered into a mortgage deed with the Canara Bank vide mortgage deed Doc.No.1026 of 2017, dated 13.06.2017 in respect of aforesaid properties. It appears that the loan amount has been cleared by the petitioners' vendor and no due certificate has also been issued on 20.08.2025 by the second respondent, however no discharge certificate has been issued. Under these circumstances, out of five share holders, three share holders are inclined to sell their undivided 3/5 shares to the petitioners and the petitioners are also inclined to purchase the same.

8. Being a purchasers, the petitioners supposed to have thorough knowledge about the mortgage, any loan or clearance of the loan amount lying in the properties, which they are intend to purchase. However, it is upto the petitioners to take the risk and enter into the sale agreement. Such being the case, for registration of said sale agreement, nobody's



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interest is going to be affected, even the mortgage still continues.

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9. In view of the above, I do not find any impediment for the first respondent to register the sale agreement dated 21.08.2025. Therefore, the impugned Refusal Check Slip in RFL/Namagiripettai/80/2025 dated 21.08.2025, passed by the first respondent is liable to be set aside. Accordingly, the same is set aside. Consequently, this Court directs the first respondent to register the sale agreement dated 21.08.2025, immediately upon the re-presentation of the same by the petitioners.

In the result, this writ petition stands allowed. No costs.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

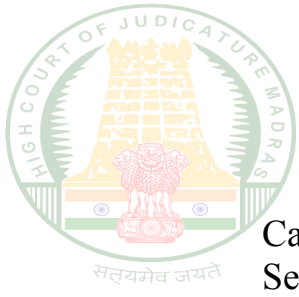
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To:

1.The Sub Registrar,
Namagiripettai,
Namakkal District.

2.The Chief Manager,

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Canara Bank,
Seerapalli Branch,
Seerapalli Post,
Rasipuram Taluk,
Namakkal District.

KRISHNAN RAMASAMY.J.,

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