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W.P.No.42957 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.42957 of 2025

Suseela

...Petitioner

Vs.

1. The District Registrar (Administration)
Tiruppur District.

2. The Sub Registrar
Kunnathur, Tiruppur District.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of the second respondent vide Refusal No.RFL/Kunnathur/20/2025 dated 17.10.2025 and to quash the same subsequently, to direct the second respondent to register the petitioner's document of settlement deed dated 17.10.2025.

For Petitioner : Mr.N.Ranjith Kumar
For Respondents : Mr.P.Harish
Government Advocate



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Order

Challenge in this Writ Petition is to the refusal check slip issued by second respondent dated 17.10.2025 and to quash the same and consequently, to direct the second respondent to register the petitioner's document of settlement deed dated 17.10.2025.

2. The learned counsel appearing for the petitioner would submit that the petitioner, by name Suseela, is the absolute owner of the property situated at Sundakkapalayam Village, Uttukuli Taluk, Tiruppur District; that the petitioner wants to settle the aforesaid property in favour of her son Dinesh, and accordingly, she presented the settlement deed before the second respondent for registration, but, the same was refused and returned by the second respondent vide Refusal Check Slip dated 17.10.2025 by citing the reason that there was an order of attachment in respect of the property covered in the deed and challenging such refusal, the petitioner has filed the present Writ Petition.



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2.1 It is the contention of the learned counsel for the petitioner that a suit for money was filed by one Karthick against the petitioner and the same was decreed on 19.06.2023, however during the pendency of the suit, an Application in I.A.No.918 of 2019 was filed by the said Karthick, wherein, attachment order was passed on 29.01.2020; that though the said attachment is yet to be raised, however, a mere attachment cannot be a bar to register the document; that the sale or alienation of the property, pending the order of attachment is void only against the decree-holder in respect of the claims enforceable under the order of attachment and not in respect of other claims; that in support of such contention, the learned counsel placed reliance on a decision rendered by the Hon'ble Supreme Court in the case of **Balakrishna Gupta Vs. Swadeshi Polytext Ltd** reported in **(1985) 2 SCC 167**; that apart from the said decision, the learned counsel also relied on the decision of the learned Single Judge of this Court, in W.P.No.10021 of 2022, dated 22.04.2022, wherein, the decision rendered by the Hon'ble Supreme Court in **Balakrishna Gupta's case** was referred to and held that the order of attachment passed by the Civil Court cannot be a ground to refuse registration of the document. Therefore, the learned counsel prays for



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setting aside the impugned order and prays for appropriate direction for registration of the settlement deed presented by the petitioner dated 17.10.2025.

3. The learned Government Advocate for the respondents justified the order of refusal made by the second respondent, Sub-Registrar by drawing the attention of this Court to Section 22-B (3) of the Registration Act (second amendment Act of 2021) and submitted that in terms of the said provision, the respondent-Registering Authority has an obligation to go through the deed, which is presented for registration and in the event, the Registering Authority came to know that the Executant is intending to fraudulently execute such deed and also finds that the property covered in such deed is under attachment or related to prohibited transaction, the Registering Authority must refuse to register the such document. Therefore, it is contended that, in terms of Section 22-B (3) there is a statutory bar, which prevents the Registering Authority from registering any document of such kind and in the present case, the document, which is sought to be registered is in respect of a property under attachment, and hence, the



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second respondent has refused to register the document presented by the petitioner; that though the learned counsel relied on the decision of the Hon'ble Supreme Court, in **Balakrishna Gupta's case** (cited supra), the said judgement is of no avail to the petitioner, unless and until, the Section 22-B provision is challenged/repealed. Hence, the learned Government Advocate prays for dismissal of the Writ Petition.

4. Heard Mr.N.Ranjith Kumar, learned counsel appearing for the petitioner and Mr.P.Harish, learned Government Advocate for respondents and perused the materials available on record.

5. In the present case, the petitioner, by name, Suseela intended to settle the subject property in favour of her son and presented a settlement deed dated 17.10.2025 for registration before the second respondent/Sub Registrar. However, the said document was refused to be registered by the second respondent-Registering Authority on the ground that there is an attachment order in respect of the property covered in the said deed.



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5.1 Though it is the contention of the petitioner that one Karthick has filed a money suit in O.S.No.219 of 2019 against the petitioner; that during the pendency of the said suit, the said Karthick has taken out an Interlocutory Application in I.A.No..918 of 2019 seeking for attachment of the property; that the Sub Court, Avinashi passed an order of attachment dated 29.01.2020, however, subsequently, the said suit itself came to be decreed on 19.06.2023; that, once the suit got decreed, attachment order ceases to operate, and therefore, the petitioner is entitled to alienate the property and relied on decision of the Hon'ble Supreme Court, in the case of **Balakrishna Gupta (cited supra)** in support of his contention that mere attachment order passed by the Civil Court would be void only against the decree-holder in respect of the claims enforceable under the attachment and not void against all the Word, and also a decision rendered by this Court in **W.P.No.10021 of 2022 dated 22.04.2022, in the case of K.Kumar Vs. The Sub Registrar and two others** and insisted to set aside the impugned refusal check slilp of the second respondent, as rightly pointed out by the learned Government Advocate for the respondents that in terms of Section 22-B (3) of the Registration Act, there is a statutory bar restraining the



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Registering Authority from registering any documents, be it a settlement/release/sale deed etc., in respect of a property, where, any Court of law passed an attachment order and the same is in force as on the date of registration.

5.2 In this context, it would be apposite to refer Rule 22-B (3) of the Tamil Nadu Registration Act, which is as hereunder:-

“22-B. Refusal to register forged documents and other documents prohibited by law.—

Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely:—

- (1) forged document;
- (2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;
- (3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent



authority under any Central Act or State Act for the time being in force or any Court or Tribunal;

(4) any other document as the State Government may, by notification, specify.”.

5.3 Thus, a reading of the first proviso to said Section makes it clear that there is a bar to register a forged document and further, in terms of proviso 3 to the said Section, there is bar for the Sub-Registrar to register a document, wherever, attachment order is passed by any Court of law.

5.4 In the present case, admittedly, attachment order passed by the Sub-Court, Avinashi, in I.A.No.918 of 2019 in O.S.No.219 of 2019 is not yet lifted and remains in force, and hence, as long as attachment order is in existence, in terms of Section 22-B (3) of the Act, there is a statutory bar, which would certainly refrain the Sub-Registrar, the second respondent herein from registering any document in respect of the property covered thereunder. To that extent, I find force and substance in the submission of the learned Government Advocate for respondents.



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5.5 Though the learned counsel for the petitioner relied on the decision of the Hon'ble Supreme Court, in **Balkrishan Gupta and others Vs. Swadeshi Polytex Ltd.** in support of his contention that, "any alienation of the property would be void only against the decree-holder but not against the third parties", the said dictum cannot be applied to the petitioner's case and the petitioner be permitted to register the document, as, the statement of facts and the law that is interpreted in the said decision has no bearing on the case on hand. As far as the view of this Court is concerned, a reading Section 22-B (3) of the Registration Act makes it clear that the Registrar has to apply his mind to the extent, whether, the document, which is sought to be registered is forged one or not while examining other aspects of such document.

5.6 In the present case, suit for money decree was filed by one Karthick against the petitioner/defendant in O.S.No.219 of 2019, and during the pendency of such suit, attachment order of property was made in I.A.No.918 of 2019 on 29.01.2020. Though subsequently, suit itself got decreed on 19.06.2023, the said attachment order is not yet lifted.



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Therefore, absolutely, the *mens rea* of the petitioner to alienate the property to deprive the rights of the decree-holder is clear. Though it is upto to the decree-holder, who can pursue the issue with the settlee, the intention of the settlee (judgement debtor) would be obviously, in some way or other to deprive the rights of the decree-holder and to cause inconvenience to the decree-holder to relish the fruits of the decree. To avoid such scenario, the document, viz., the settlement deed which is sought to be registered by the petitioner has to be deemed to be against the provisions of Section 22-B (3) of the Act. Further, the intent behind which, Section 22-B (3) was enacted is to stop all these kinds of transfer of properties taking place in such an illegal manner and when that being so, this Court does not find any fault in the decision making process of the second respondent, who has rightly refused to register the document, which is in fact, in accordance with law.



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6. Therefore, I do not find any merit in the Writ Petition, and hence,
the same is dismissed. No costs.

11.11.2025

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Index : yes/no

Neutral Citation : yes/no

To

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Krishnan Ramasamy,J.,

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