



WEB COPY

WP No. 48580 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 48580 of 2025

G.Magesh Kumar,
S/o.C.Gajendran, No.32A,
Sri Adhibagavathy Nagar, Vallam,
Chengalpattu Taluk and District.

..Petitioner

Vs

The Sub-Registrar,
Joint Sub-Registrar Office,
Chengalpattu & District.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the refusal check slip dated 08.12.2025 issued by the respondent herein in Refusal Number RFL/Chengalput Joint I /15/2025, quash the same and consequently issue direction directing the respondent herein to register forthwith the settlement deed dated 08.12.2025 in TP/241890087/2025 executed in favour of the petitioner by his own brother G.Rajesh Kumar.

For Petitioner:

Mr.V.Prakash, Senior Advocate for
Ms.M.Karthikeyani

For Respondent:

Mr.U.Baranidharan, SGP



ORDER

A settlement deed dated 08.12.2025 was executed by the petitioner's brother in favour of the petitioner. Upon presentation thereof for registration, the request for registration was declined under the impugned order.

2. Learned senior counsel for the petitioner submits that a mortgage deed bearing document no.1257/2013 was cited as the reason for refusal. By relying on the judgment of the Supreme Court in *K.Gopi v. Sub-Registrar and others*, 2025(2) CTC 777, he submits that Rule 55A of the Registration Rules was struck down in the said judgment. In view thereof, he submits that the impugned order cannot be sustained.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for the sole respondent. He concurs that Rule 55A was struck down.

4. In paragraph 47 of the judgment of the Division Bench of this Court in *N.Ramayee v. Sub-Registrar, Registration Department and another*, 2020 SCC OnLine Mad 5231 (*Ramayee*), this Court concluded that it is not in conformity with law to insist on a no-objection letter from the mortgagee.

5. A mortgage *per se* does not act as a fetter against the registration of a conveyance relating to the relevant property. Such conveyance would, however,



be subject to the mortgage. Therefore, the registering officer was not entitled to refuse registration for any reason not falling within the scope of Section 22A or Section 22B of the Registration Act, 1908. Since the cited reason does not fall within the scope of the said provisions, the impugned order cannot be sustained and is hereby set aside.

6. As a corollary, the petitioner shall re-present the document for registration. Subject to compliance with other requirements relating to registration, the registering officer is directed to undertake all other measures in relation to registration within two weeks from the date of re-presentation of the document.

7. The writ petition stands disposed of on the above terms. There will be no order as to costs.

16-12-2025

Index : Yes/No

Internet: Yes/No

Neutral Citation : Yes/No

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To

The Sub-Registrar,
Joint Sub-Registrar Office,
Chengalpattu & District.



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SENTHILKUMAR RAMAMOORTHY, J.

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