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W.P.(MD)NO.4544 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4544 of 2025

R.Suresh Babu

... Petitioner

Vs.

1. The Sub Registrar,
Joint 4th Sub Registrar Office,
Madurai South District,
Pazhaganatham, Madurai – 625 001.

2. The Director,
Ram Psychiatry Hospital,
338/A & 338/1, Anna Nagar,
Madurai – 625 020.

3. Dr.V.K.Aravind,
Ram Psychiatry Hospital,
338/A & 338/1,
Anna Nagar, Madurai – 625 020.

4. Chantrajothi

5. Dr.Ezhil Jasmine
(R-5 is suo motu impleaded
vide order dated 20.02.2025)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip



No.RFL/4th Joint Sub Registrar Madurai South/2/2025 dated 14.02.2025 issued by the first respondent and quash the same as illegal, further directing the first respondent to register the sale deed dated 14.02.2025 within a time frame that may be fixed by this Court.

For Petitioner : Mr.B.Saravanan,
Senior counsel,
for Mr.P.Surendran.

For R-1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R-2 & R-3 : Mr.M.Sivasankar

For R-4 : Mr.B.Prasanna Vinoth,
for Mrs.S.Mahalakshmi.

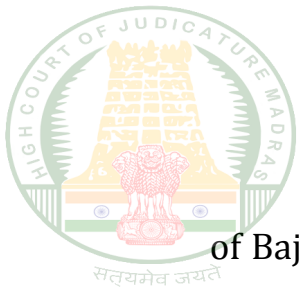
For R-5 : Mr.S.Moorthy

* * *

ORDER

Heard both sides.

2. The writ petitioner entered into sale agreement with the fifth respondent on 07.11.2024. The petitioner wanted to purchase the petition-mentioned property. The property stands in the name of the fifth respondent. As per the sale agreement, sale consideration was fixed at Rs.80 Lakhs. The property had been mortgaged in favour



of Bajaj Finance. It is seen that a sum of Rs.24 Lakhs was remitted in the bank account of the fifth respondent. Subsequently, the sale deed was executed in favour of the writ petitioner on 14.02.2025. It was thereafter presented for registration before the first respondent. At this stage, objection was received from the mother of the fifth respondent (R4 herein). The fourth respondent alleged that her daughter was mentally not sound and that therefore, she was not competent to deal with the property. Citing the said objection, registration was refused and the impugned refusal check slip was issued. Challenging the same, this writ petition came to be filed.

3. This Court had given direction to the fifth respondent to appear before the Medical Board (Government Rajaji Hospital, Madurai). Since the fifth respondent did not appear, Cont.P.(MD) No.1682 of 2025 came to be filed.

4. It is not in dispute that at least for the last few years, the fifth respondent was not earning any income even though she is a qualified Dentist. It has been convincingly established that between 07.11.2024 and the date of execution of sale, a sum of Rs.50,50,000/- was paid to the mortgagee (Bajaj Finance). The mortgage was fully redeemed. The parent title deed was handed over to the writ



petitioner.

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5. The doctors who treated the fifth respondent had also been impleaded as parties. They had clearly stated before this Court that they treated the fifth respondent for Schizophrenia and depression. Thus, there is *prima facie* material to show that the fifth respondent was not competent to enter into an enforceable contract with the writ petitioner. Therefore, I do not propose to quash the impugned refusal check slip issued by the registering authority. At the same time, equity obtaining in this case cannot be lost sight of. The writ petitioner is presently in possession of the petition-mentioned property. It is he who had discharged the entire mortgage through the fifth respondent. Though the learned Senior counsel for the petitioner would claim that a sum of Rs.60 Lakhs was paid, there is proof only to the tune of Rs.50,50,000/-. Even while sustaining the impugned refusal check slip, it is declared that the writ petitioner will have charge over the petition-mentioned property to the tune of Rs.50,50,000/-. This amount would also start earning interest @ 6% from 01.01.2025 onwards.

6. Since the petitioner is in occupation of the premises, the monthly rent can be reckoned as Rs.15,000/-. The monthly rental



liability can be adjusted against the dues eventually payable to the petitioner. The writ petitioner is entitled to remain in possession of the property and he shall hand over the same as well as the title documents to the person declared by the Court as competent to deal with the property. Since the fifth respondent appears to be mentally not sound, a legal guardian will have to be appointed. Such legal guardian after discharging the writ petitioner's dues, will deposit the remaining amount in a Nationalised bank as Fixed Deposit so that with the proceeds of the same, the fifth respondent as well as the children of the fifth respondent can be taken care. The petitioner is at liberty to present this order before the registering authority. This order shall be registered. This writ petition stands disposed of accordingly. No costs.

15.09.2025

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

The Sub Registrar,
Joint 4th Sub Registrar Office,
Madurai South District,
Pazhaganatham, Madurai – 625 001.

W.P.(MD)No.4544 of 2025

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