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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No. 13302 of 2025

and

W.M.P.(MD).No.9535 of 2025

Yasin Mohamed

... Petitioner

Vs.

1.The Deputy General of Registration,
Tirunelveli Zone,
Tirunelveli.

2.The District Registrar,
Tenkasi District,
Tenkasi.

3.The Sub Registrar,
Kadayanallur Sub-Registrar Office,
Tenkasi District.

4.Murugesan

... Respondents



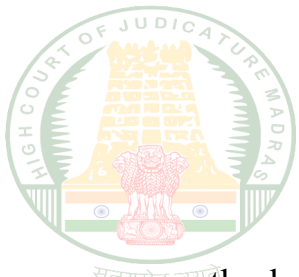
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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus*** to call for the records pertaining to the impugned refusal check slip issued by the third respondent in RFL/KADAYANALLUR/18/2025, dated 24.03.2025 and quash the same as illegal and consequently direct the respondent to register the Mortgage deed dated 20.03.2025 executed by the petitioner in respect of the land in S.No.328/1B situated in Krishnapuram Village, Kadayanallu Municipality, Tenkasi District.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.D.Sasi Kumar (for R1 to R3)
Additional Government Pleader,

ORDER

The present writ petition is filed for ***Writ of Certiorarified Mandamus*** to quash the impugned refusal check slip issued by the third respondent in RFL/KADAYANALLUR/18/2025, dated 24.03.2025 and also seeking consequential direction to the respondent to register the Mortgage deed dated 20.03.2025 executed by the petitioner in respect of



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the land in S.No.328/1B situated in Krishnapuram Village, Kadayanallu Municipality, Tenkasi District.

2.The third respondent has issued impugned Refusal Check Slip by relying on the order of the District Register (Administration), Tenkasi, in his proceedings dated 20.08.2019 in proceedings No.2704/Aa2/2019. It is seen that the said proceedings was put to challenge in another writ petition in W.P.(MD).No.8097 of 2023 and this Court vide order dated 29.08.2024, has quashed the said proceedings. The relevant portions of the order is extracted hereunder:

3.This Court is of the view that merely because a person has raised some title dispute, it cannot be a ground to cancel the document already registered. Further, the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court as per Satya Pal Anand v. State of M.P.[2016 10 SCC 767] and G. Rajasulochana v Inspector



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General made in W.P 29706 of 2024 dated 16.04.2024.

4. In view of the above settled position of law, the impugned order of the 1st respondent dated 28.03.2022 as well as the 2nd respondent dated 20.08.2019 are quashed and this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

3. Therefore, the third respondent, without verifying the quashing of the proceeding of the District Registrar (Administration), Tenkasi District as well as Deputy Inspector General of Registration, Tirunelveli Zone, Tirunelveli, passed the present impugned order, hence, it is erroneous one and non application of mind. Hence, the impugned refusal check slip is liable to be quashed.

4. Accordingly, this Writ petition is allowed. The impugned order of the third Respondent in Refusal Check Slip in RFL/KADAYANALLUR/18/2025, dated 24.03.2025 is hereby quashed. The third respondent is directed to register the Mortgage deed dated



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20.03.2025 executed by the petitioner in respect of the land in S.No. 328/1B situated in Krishnapuram Village, Kadayanallu Municipality, Tenkasi District and the said exercise shall be completed within a period of four weeks from the date of receipt of a copy of the order. No costs. Consequently, the connected writ miscellaneous petition is closed.

01.07.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

vsg

To

1.The Deputy General of Registration,
Tirunelveli Zone,
Tirunelveli.

2.The District Registrar,
Tenkasi District,
Tenkasi.

3.The Sub Registrar,
Kadayanallur Sub-Registrar Office,
Tenkasi District.



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