

W.P.(MD).No.12648 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.12648 of 2025

Jeevarathinam

.. Petitioner

Vs.

The Sub Registrar,
Kalayar Kovil Sub Registrar Office,
Kalayar Kovil Taluk,
Sivagangai District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Refusal Check Slip No.RFL/Kalayarkovil/12/2025 dated 31.01.2025 on the file of the respondent and quash the same as illegal and consequentially directing the respondent to register the document presented by the petitioner for registration without insisting for the production of the original parent document.

For Petitioner : Mr.M.Vivekanandan

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This Writ Petition is filed challenging the impugned refusal check slip No.RFL/Kalayarkovil/12/2025 dated 31.01.2025 on the file of the



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respondent and consequently, to direct the respondent to register the document presented by the petitioner for registration without insisting on the production of the original parent document.

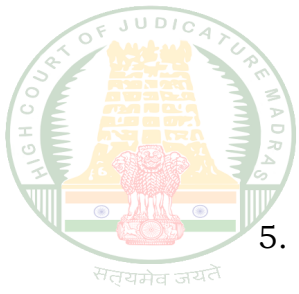
2. The petitioner had purchased the property in the year 2012. When she attempted to alienate the same by way of a settlement deed in favour of her husband, it was refused to be received on two grounds:

- (i) Original document has not been produced;
- (ii) There is a subsisting mortgage in favour of Mr.Selvakumar.

Challenging the same, the present Writ Petition.

3. Heard Mr.M.Vivekanandan for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondent.

4. Insofar as the first ground is concerned, the issue is squarely covered by a judgment of the Supreme Court in **K.Gopi Vs. the Sub Registrar and others, 2025 SCC Online SC 740**. The Supreme Court has declared the law that the Sub Registrar cannot insist upon production of the original documents. It had further declared Rule 55-A(i) of the Tamil Nadu Registration Rules as unconstitutional. Hence, in the light of the said judgment, the first ground of refusal is untenable.



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5. Insofar as the second ground stating that there is a subsisting mortgage, by virtue of a mortgage existing over the property, the mortgagor/owner of the property does not lose right to alienate the same. The husband of the petitioner, on execution of the settlement deed, will take the property subject to the mortgage. This issue too is covered by a judgment of a Division Bench of this Court in ***N.Ramayee Vs. Sub-Registrar, (2020) 6 CTC 697***.

6. In the light of the above discussion, the impugned order is quashed. There shall be a direction to the respondent to register the settlement deed executed by the petitioner in favour of her husband within a period of two (2) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs.

29.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
The Sub Registrar,
Kalayar Kovil Sub Registrar Office,
Kalayar Kovil Taluk,
Sivagangai District.



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V.LAKSHMINARAYANAN,J.

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