



W.A.(MD)No.1246 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.1246 of 2020
and
C.M.P.(MD)No.7069 of 2020**

S.Geetha Ranjani

... Appellant

Vs.

- 1.The District Registrar,
Office of the District Registrar,
Trichy.
- 2.The Sub-Registrar,
Office of the Sub-Registrar,
Lalgudi, Ariyalur District.
- 3.M/s.Kalimaghal Sabha,
Rep.by its Official Receiver,
Office at New No: 17 (Old No.48),
North Usman Road,
T.Nagar, Chennai - 17.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.17795 of 2014 dated 04.06.2019 on the file of this Court.



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For Appellant : Mr.T.Mohan, Senior Counsel,
For Mr.C.B.Murali Krishnan,

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 & R2.
Mr.S.Ramesh for R3.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.This writ appeal is directed against the order dated 04.06.2019 made in W.P.(MD)No.17795 of 2014.

3.One N.V.Rengaraju executed sale deed dated 29.04.2013 conveying the petition mentioned property comprised S.No.147/1B1 to an extent of 1 acre 33 cents in favour of Mahalingam. The sale deed was registered as Document No.2545/2013 on 29.04.2013. The said Mahalingam in turn executed sale deed dated 13.11.2013 in favour of the appellant herein. The document was presented for registration. It was kept as pending document. The appellant felt aggrieved that the registration process was not being completed. Hence, she filed

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W.P.(MD)No.17795 of 2014. The learned Single Judge vide order dated

05.11.2014 disposed of the writ petition in the following terms:-

“9. On a careful consideration of the contentions advanced on behalf of the petitioner and in view of the fact that the petitioner had averred in the present Writ Petition that the Second Respondent had not returned the original sale deed after completing the registration formalities on 14.03.2014, this Court pertinently opines at this stage that once the document is registered, the Registering Authority has no power to withhold the same. As such, this Court in furtherance of substantial cause of justice and to prevent aberration of justice, directs the second respondent / the Sub-Registrar, Office of the Sub Registrar, Dindigul to release the sale deed dated 14.03.2014, to the petitioner forthwith.

(i) At the time of releasing the sale deed, dated 14.03.2014, to the petitioner, the 2nd respondent is directed to make necessary endorsement on the original document in question to the effect that the proceedings under Section 47(A) of the Indian Stamps Act, 1899 are contemplated or pending, as the case may be.

(ii) It is open to the Registering Authority / second respondent to make relevant entries in the Register maintained in regard to the pendency of Section 47-A proceedings in respect of sale deed in question, which is subject-matter of Registration, with a view to reflect the same in the Encumbrance Certificate for the benefit of the purchasers.



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(iii) Pending final decision, in respect of any valuation under Section 47(A)(i) as per Section 45(A) of the Indian Stamps Act, 1899, there shall be a change over of the proportions in favour of the Government in respect of the unpaid value of the Stamp Duty, if any.

(iv) Also that, after completion of whole proceedings under Section 47(A) of the Indian Stamps Act, the Registering Authority / second respondent is to make necessary endorsement annulling / superseding the earlier endorsement by clearly mentioning that the full / entire sum of Stamp Duty the Document was paid in full and return the same.

(v) Moreover, after making such endorsement, the 2nd respondent / Registering Authority shall also make entries in regard to the completion of Section 47(A) proceedings in the Register maintained by them with a view to reflect the same in the Encumbrance Certificate.

(vi) In any event, the second respondent is at liberty to finalize / complete the proceedings initiated under Section 47(A) of the Indian Stamps Act, as quickly as possible, of course, in the manner known to law and in accordance with law.”

Aggrieved by the said order, W.A.(MD)No.1150 of 2016 was filed. The Hon'ble Division Bench vide judgment dated 19.09.2017 set aside the order of the learned Single Judge and remanded the matter in the following terms:-



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“3.From the above it is clear that the learned Single Judge passed an order on a wrong understanding of facts. Unfortunately, the real facts are not brought to the learned Single Judge, as the order was passed on a wrong presumption that the documents have been registered, but not released on the ground of under valuation. As discussed above, the official receiver of Kalaimagal Sabha has not been arrayed as party respondent. Secondly, real facts have not been placed before the learned Single Judge.

4.In such view of the matter, we set aside the order passed by the learned Single Judge, in W.P.(MD).Nos.17794 and 17795 of 2014 respectively. Secondly, the matters stand remitted to the leaned single Judge dealing with the afore-said matters as per the roster to be decided afresh. Kalaimaghal Sabha, represented by its Official Receiver, Office at New No. 17 (Old No.48), North Usman Road, T.Nagar, Chennai-17 is arrayed as party respondent in the writ petitions by the order of this Court. The learned counsel appearing for the petitioners in W.P.(MD).Nos.17794 and 17795 of 2014 is directed to serve papers on the counsel appearing for the impleaded respondent. Registry is directed to amend the cause title in W.P.(MD).Nos. 17794 and 17795 of 2014 and post the writ petitions before the learned Single Judge dealing with the matters on 10.10.2017. The writ appeals are disposed of accordingly. No costs. Connected miscellaneous petitions are closed.”



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4.Pursuant to the order of remand, the matter was taken up once again. The learned Single Judge vide order dated 04.06.2019 disposed of the writ petition in the following terms:-

“139.Thus, both the Writ Petitions are dismissed with the following observations:-

i.The Superintendent of Police is directed to initiate appropriate action based on the complaint dated 30.04.2015 given by the Joint Receiver.

ii.The Vigilance and Anti-Corruption Department is also directed to initiate appropriate proceedings against the concerned Sub Registrar who permitted to transfer and registration of the documents vide Document No.2544/13, Document No.2545/13 and Document No.2546/13 in favour of the vendors of the petitioner namely K.Mahalingam and A.Mahalingam after a through departmental enquiry.

iii.They shall also see if there were any other registration made contrary to the orders in W.P.No.514 of 1999 and if so take appropriate action.

iv.The 2nd respondent and his counter parts in the State are directed to register all the sale deeds presented for registration of



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land by the 3rd respondent in its favour and complete the process within a period of two months forthwith.

v.The Joint Receivers shall prepare and file a detailed report and call for a meeting of the general body of the members of the 3rd respondent for the purpose of Section 43 of the T.N. Societies Registration Act, 1975.

vi.The Joint Receivers have rendered services and were fixed a initial remuneration. They may file appropriate memo in W.P No.514 of 1999 to bring a closure.

vii.Final order dissolving the 3rd Respondent shall duly brought to the notice of the Court in W.P No.514 of 1999.

viii.The Registrar acting under the T.N. Societies Registration Act, 1975 shall deal with the surplus assets of the 3rd respondent as is contemplated under the Act.

ix.Liberty is given to the petitioner to work out the remedy against her vendors in accordance with law.

x.Registry is directed to transmit a copy of this order in W.P.No.514 of 1999 to miscellaneous order if any that may filed in the said W.P.”



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5.As a result of the aforesaid order, the writ petitioner's prayer for completing the registration process was rejected. In the same breath, the learned Single Judge also granted relief in favour the third respondent herein namely, Kalaimagal Sabha. The learned Single Judge noted that the writ petitioner's vendor's vendor namely N.V.Rengaraju had executed sale deed dated 03.12.1996 in favour of Kalaimagal Sabha conveying a larger extent of property which included the petition mentioned property. The said document was kept as pending document (P.291/1996 on the file of the second respondent herein).

6.The said Kalaimagal Sabha had purchased large extent of property throughout the State. It went into liquidation. The Madras High Court on 29.10.1999 in W.P.No.514 of 1999 had passed the following order:-

“Memo No.307 in W.P.No.514 of 1999

Mr.G.Desinghu, learned Special Government Pleader notice for respondents 1 to 3 in this memo. The Joint Receivers seek for the following reliefs:-



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“to issue appropriate directions to the Sub Registrar of the area concerned in whose jurisdiction the Kalaimaghal Sabha properties are situated.

(i) to cancel the second sale illegally effected by the erstwhile land owners in favour of various other third parties wherever reported and

(ii) not to admit and register the sale deeds pertaining to the lands belonging to Kalaimaghal Sabha executed for the second time illegally by the erstwhile owners of the properties in favour of any third parties without notice to Kalaimaghal Sabha.”

2.As far as the first prayer is concerned, learned Special Government Pleader may get necessary instructions from the second respondent based on the details furnished by the Joint Receiver and necessary orders will be passed after filing of the counter by the learned Special Government Pleader.

3.As far as the second prayer is concerned, the Joint Receivers are directed to furnish a list of properties district-wise located in the State to the learned Special Government Pleader who shall in turn give necessary instructions to the second respondent to circulate the details of the properties of all his subordinates viz., the Sub Registrars wherever the properties of Kalaimaghal Sabha is located and give a further direction that registration of any of the properties of Kalaimaghal Sabha should not be effected without reference to the Joint Receivers.”



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Call after two weeks.

Memo No.308 in W.P.No.514 of 1999

Mr.G.Desinghu, learned Special Government Pleader notice for respondents 1 to 3. The prayer of the Joint Receivers is for a direction to the Tahsildars of concerned Taluks to issue pattas in favour of Kalaimaghal Sabha pertaining to the lands belonging to it, for which necessary application have been made by the Joint Receivers expeditiously by fixing the time limit.

2.After hearing the Joint Receivers and Mr.G.Desinghu, learned Special Government Pleader, directions are issued to the concerned Tahsildars, wherever the Joint Receivers have filed applications for issuance of pattas in respect of the properties owned by Kalaimaghal Sabha to process such applications and issue pattas after due verification expeditiously preferably within four weeks from the date of receipt of a copy of this order.”

7.The learned Single Judge took the view that when once a restraint order had been issued to all the registering officers not to entertain any document that belonged to Kalaimagal Sabha, it was not open to the Registrar to have registered the second sale effected by Rengaraju in favour of the writ petitioner's vendor. In that view of the

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matter, the learned Single Judge came to the conclusion that the subject transaction is vitiated by fraud and that is why, even while denying relief to the writ petitioner, direction in favour of Kalaimagal Sabha was issued.

8.The scope of this writ appeal is not concerned with the other directions issued by the learned Single Judge. The only question that calls for consideration is whether the sale deed executed in favour of the appellant by her vendor has to registered and released.

9.The learned senior counsel for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the order of the learned Single Judge insofar as it impinges the writ petitioner's right and called upon this Court to grant relief accordingly.

10.Per contra, the learned Special Government Pleader for the official respondents as well as the learned counsel for Kalaimagal Sabha submitted that the impugned order has to be seen in a larger context. By



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issuing the directions that are assailed in this writ appeal, the learned Single Judge had only sought to sub-serve the interest of gullible depositors. They called upon this Court to sustain the impugned order and dismiss the writ appeal.

11.We carefully considered the rival contentions and went through the materials on record. A registering officer can decline to register a document of sale if it falls within the scope of Section 22A or Section 22B of the Registration Act (Tamil Nadu Amendment). The case on hand does not attract Section 22A. It may probably fall within the scope of Section 22B(3) of the Registration Act.

12.As rightly contended by the learned senior counsel for the appellant since Section 22B of the Registration Act was inserted by Tamil Nadu Act 41/2022 with effect from 16.08.2022, it may not have any bearing on the present transactions. But then, the appellant will have to overcome the barrier erected vide order dated 29.10.1999 in W.P.No.514 of 1999. The said order which has already been extracted restrains the registering officers from entertaining any document pertaining to the



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properties belonging to Kalaimagal Sabha. Atleast, for the present, this impediment can be very easily overcome. We assume for a moment that an order of attachment has been passed by the High Court in favour of Kalaimagal Sabha. Even the order of High Court will have to satisfy the parameters set out in Order XXI Rule 58(A) of Civil Procedure Code. A learned Judge of this Court (Mr.Justice P.Sathasivam as His Lordship then was) in the decision reported in **[2000 (2) CTC 524] Sri Krishna Chit Funds v. R.S.Pillai** had held that only when an order of attachment is entered in the encumbrance register, it would operate as a constructive notice and not otherwise. The petitioner before purchasing from her vendor namely, Mahalingam had applied for encumbrance certificate from 01.01.1987 onwards till date of purchase. The attachment made by the High Court is not reflected in the encumbrance register. Therefore, the said attachment made in W.P.No.514 of 1999 will not operate as a constructive notice to the writ petitioner. The writ petitioner has to be treated as a bonafide purchaser for value without notice of the pending attachment.



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13.As rightly pointed out by the learned senior counsel for the appellant, the attachment order if at all can apply only in the case of properties belonging to Kalaimagal Sabha. Admittedly, the document executed in favour of Kalaimagal Sabha had not been registered and released. Only if the registration process is completed, the document can be treated as a registered document. Such is not the case here. Therefore, looked at from any angle, the authority was not justified in retaining the document and treating it as a pending document. The learned Single Judge had obviously been swayed by moral and equitable considerations. In our respectful view, what has to be seen is whether the writ petitioner was legally entitled to demand that the document in question has to be registered and released.

14.The Hon'ble Supreme Court in the decision reported in **2025 INSC 462 (K.Gopi Vs. The Sub Registrar and Others)** had recently held that it is not the registering authority's job to worry about the title of the executant of the document.



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15.A learned Judge of this Court vide order dated 17.12.2024 in W.P(MD)No.22114 of 2024 (T.Senthilvel Vs District Registration, Administration & Others) held as follows:-

“4. At the outset, the petitioner purchased the subject property from the original owner, after the cancellation of power deed. Merely because there is a double entry in respect of subject property, the registration cannot be refused. Hence, the impugned order passed by the second respondent in Refusal Number.R.F.L/Chinnalapatti/51/2023 dated 25.08.2023 is hereby quashed and this Writ Petition is allowed. The second respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. It is for the concerned parties to establish their title before the competent civil Court by adducing property document. No costs.”

16.In this view of the matter, the order of the learned Single Judge in negating the relief sought for by the petitioner has to be set aside to that extent.

17.We direct the registering officer to register the petition mentioned document and release the same to the appellant subject to fulfilment of other usual formalities.



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18.The appellant through her counsel on record gives an undertaking that the petition mentioned property will not be encumbered and alienated for a period of one year from the date of receipt of a copy of this order. We restrain the registering authority / second respondent herein from entertaining any document from the appellant till the expiry of the aforesaid period in respect of the petition mentioned property. This order passed by us will also be duly registered so that it is reflected in the encumbrance register. We grant liberty to Kalaimahal Sabha to seek relief of registering the pending document (P.291/1996).

19.This writ appeal is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
12.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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- 1.The District Registrar,
Office of the District Registrar,
Trichy.
- 2.The Sub-Registrar,
Office of the Sub-Registrar,
Lalgudi, Ariyalur District.



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and
R.KALAIMATHI, J.

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