



W.A.(MD)No.1951 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1951 of 2025

M.Naveen Kumar

... Appellant

Vs.

1.The Inspector General of Registration,
100, Shanthome High Road,
Chennai - 28.

2.The District Registrar,
Periyakulam Registration District Office,
Theni District.

3.The Sub-Registrar,
Sub-Registrar's Office,
Cumbum, Theni District.

... 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.23605 of 2018 dated 25.07.2024 on the file of this Court.

For Appellant : Mr.R.Suriya Narayanan

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader.



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

Heard both sides.

2.The appellant wants to purchase the petition mentioned property. His vendor had executed sale deed dated 07.09.2017 in favour of the appellant. It was presented for registration. The registering authority though received the document, kept it pending without completing the formalities. Hence, the appellant filed W.P.(MD)No.23605 of 2018 to complete the registration formalities and thereafter release the document. The learned Single Judge vide order dated 25.07.2024 dismissed the writ petition on the ground that the subject matter of sale formed part of a larger extent of land that had already been leased in favour of VGP Evergreen Planation for a period of 99 years vide Document No.874/2010 dated 15.11.2020. Aggrieved by the said dismissal order, this writ appeal has been filed.

3.As rightly pointed out by the learned counsel for the appellant, the issue raised in the writ petition is no longer *res integra*. The Hon'ble



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Division Bench in the decision reported in **2020 (6) CTC 697**

(N.Ramayee Vs. Sub-Registrar, Registration Department, Valapady -

636 115, Salem District) had held that the fact that the lease agreement between the vendor and the third party is still subsisting cannot be a ground to refuse to register a sale deed executed by the vendor in favour of presentant. Paragraph No.47 of the said order reads as follows:-

“47.It is also brought to our notice about the new circular in No. 24011/C1/2020 dated 08.10.2020. It is the contention of the learned Additional Advocate General that the Registrar has power to regulate the registration in order to prevent fraud and hence, the Registrar is having powers under the Registration Act to regulate the registration and the right to refuse the document and that such power is available under Section 71 of the Registration Act. Such contention is not acceptable for the simple reason that the circular bars transfer of property on the ground that when a lease is already executed in respect of the property, without expiry of the lease, transfer cannot be permitted or without consent of lessee no registration is permissible. Further, insisting a no objection from mortgagee before registration is also against the very substantive provision of law. If any property is sold with existing mortgage, the transferee steps into the shoes of mortgagor. He has the right to redeem the property by paying the mortgage money. Therefore in the name of regulating the



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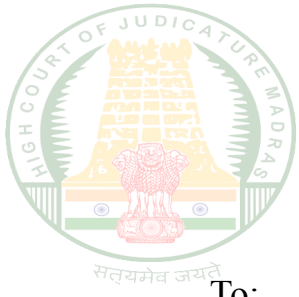
registration, any circular which is in the nature of violating the substantive provision of law, which deals with the transfer of property, then such circular cannot stand in the eye of law. If the contention of learned Advocate General that without seeking declaration and cancellation of the agreement of sale, subsequent agreement or transaction cannot be registered, is accepted then such restriction, in fact, infringes the very Constitutional right of the citizen provided under Article 300 A of the Constitution.”

4. Respectfully applying the aforesaid ratio, the order of the learned Single Judge is set aside. The registering authority is directed to complete the registration formalities and release the document, if the document is otherwise in order.

5. This writ appeal is allowed accordingly. No costs.

(G.R.S. J.) & (K.R.S. J.)
21.07.2025

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