



W.P(MD)No.24647 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24647 of 2025

Leela @ Neela

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registration Office,
Sivagangai District.

2.K.Subramanian

... Respondents

Prayer : Writ Petition 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 refusal check slip in refusal number RFL/Thiruppathur-Karaikudi/13/2025 dated 22.08.2025 and quash the same and consequently direct the respondent to register the settlement deed dated 23.04.2025, presented on 19.08.2025.

For Petitioner : Mr.J.Anandkumar



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For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the first respondent. Considering the nature of relief to be granted, issuance of notice to the second respondent is dispensed with.

2.The writ petitioner wants to settle the petition mentioned property in favour of her daughter. When the document was presented for registration, registration was denied. Instead, the impugned refusal check slip was issued. The stand of the registering authority is that the property in question was mortgaged in favour of the second respondent's father and that without clearing the same, registration cannot be allowed to go on.

3.This objection has no basis. It is well settled that mere subsistence of a mortgage will not operate as an impediment for the owner of the property to deal with the property. Even if we assume that



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the mortgage is still in subsistence, the subject transaction will be subject to the said mortgage. In this view of the matter, the order impugned is quashed. The petitioner is permitted to re-present the document. The first respondent is directed to register and release the same subject to the fulfilment of the other usual formalities.

4.This writ petition is allowed accordingly. No costs.

10.09.2025

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

To

The Sub Registrar,
Sub Registration Office,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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