



W.P(MD)No.30956 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30956 of 2025

and

W.M.P.(MD)No.24171 of 2025

Naina Mohamed

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar,
Ramanathapuram Registration District,
Ramanathapuram.

3.The Sub Registrar,
Rameswaram,
Ramanathapuram District.

4.R.Murugesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Refusal Check Slip in Refusal No. RFL/Rameswaram/132/2025, dated 25.08.2025 and Quash



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the same as illegal and consequently direct the 3rd Respondent to register the Petitioner's Sale Deed dated 26.05.2025 in respect of his property in Old Natham Survey No.545/16A, New Natham Survey No.545/16A2 in Natham Patta No.5329, situated at Door No.3/2333, Bazaar Main Road, Thangachimadam Village, Pamban Group, Ramaneswaram Taluk, Ramanathapuram District.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 3. Issuance of notice to the fourth respondent is dispensed with.

2.Sale deed dated 26.05.2025 was executed by the writ petitioner in favour of one Ajmalkhan. Citing the subsistence of mortgage in respect of the subject property, the registering authority declined to register the document. The petitioner was called upon to cancel the mortgage standing in favour of the fourth respondent's son and thereafter, re-present the document. Questioning the impugned refusal check slip, this writ petition has been filed.



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3.The issue raised in this writ petition is no longer *res integra*. The Hon'ble Division Bench in the decision reported in **2020 (6) CTC 697 (N.Ramayee Vs. Sub-Registrar, Registration Department, Valapady - 636 115, Salem District)**, it was held that the registering authority cannot insist on obtaining no objection from mortgagee and such insistence would run against the substantive provisions of law. If any property is sold with existing mortgage, the transferee would step into the shoes of mortgagor and he has to right to redeem the property by paying the mortgage money. The stand of the registering authority runs counter to aforesaid decision of the Hon'ble Division Bench. The impugned refusal check slip is quashed. The parties are at liberty to re-present the document. It shall be registered and released subject to fulfilment of other usual formalities. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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