



W.P.(MD) No.34571 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.34571 of 2025

Kombiah

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai
2. The Assistant Inspector General of Registration,
Office of the Registration,
ST' Mark Street,
John's Higher Secondary School Backside,
Palayangottai,
Tirunelveli 627002
3. The District Registrar,
Office of the Registration,
Palayamkottai, Tirunelveli.
4. The Sub Registrar,
Eral Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's Representation dated 07.05.2025 within a stipulated time fixed by this Court.



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For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.K.S.Selvaganesan,
Addl. Govt. Pleader

ORDER

This Writ Petition is filed seeking a direction to the respondents to consider the petitioner's representation dated 07.05.2025 within a stipulated time fixed by this Court.

2. According to the petitioner, One Krishnan and his family members were borrowed money for a sum of Rs.4,00,000/- on 10.08.2015, from the petitioner's father by mortgaging their title deed for a period of three years. After the expiry of three years, the petitioner's father asked to repay the loan, however, they were not repaid the said amount. While so, the petitioner father died on 28.05.2021. In the meantime, the family members of Krishnan, attempted to sell the property, which was mortgaged with the petitioner's father. Therefore, the petitioner, being one of the legal heirs of his father, filed an objection petition before the 4th respondent. However, without considering the said objection and without issuing any notice to the petitioner, the 4th respondent registered a sale deed in respect of the subject property on



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20.03.2025, without cancelling the mortgage deed. In this regard, the petitioner made a representation on 07.05.2025. Since the said representation was not considered till date, the petitioner has filed this Writ Petition.

3. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that there is no bar for the respondents to register the sale deed, even in existence of the charge over the properties. He further submits that if any buyer is intended to purchase the mortgaged property, the respondents cannot prevent the same, by citing the existence of the mortgage. Hence, the respondents have proceeded with the registration.

4. This Court considering the submissions made by both sides and perused the materials available on record.

5. The grievance of the petitioner is that when the property was already mortgaged in favour of the petitioner's father as early as on 10.08.2015 and the said mortgage is still in existence, the 4th respondent, by playing a fraud and colluded with the owner of the property, has



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registered the sale deed and therefore, the 4th respondent has committed an offence under Section 83 of the Registration Act, 1908. Further, as rightly contended by the learned Additional Government Pleader, even if any mortgage deed is in existence, there is no bar for the respondents to register a sale deed. Be that as it may. If the petitioner feels that a fraud has been played, it is open to him to make a complaint under Section 83 of the Registration Act, 1908.

6. The petitioner has also made a representation on 07.05.2025 to the respondents, seeking to take action in accordance with law. Hence, the respondents are directed to consider and dispose of the representation of the petitioner dated 07.05.2025, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

02.12.2025

vsm

Index : Yes/No

Neutral Citation: Yes/No



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KRISHNAN RAMASAMY, J.

vsm

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