



WEB COPY

WP No. 2160 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 2160 of 2026

Aswini.s
W/o. Vetrivel,
No. 2/107 Dhoddampatti Village,
Dhoddampatti Post,
Morappur, Elavadai,
Krishnagiri,
Tamil Nadu 635 306

..Petitioner(s)

Vs

The Sub Registrar
O/o. Sub Registrar,
Uthangarai,
Krishnagiri district

..Respondent(s)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records on the files of the respondent herein in his proceeding in RFL/ Uthangarai/ 235/ 2025 dated 18.12.2025 and quash the same and issue a direction to the third respondent to register the sale dated 15.12.2025 in respect of property to an extent of 1 Acre and 70 Cents in Survey No. 40/3 Gollapatti (Mettuthangal) Village, Uthangarai Taluk, Krishnagiri District, within Uthangarai Sub Registration district and Registration District of Krishnagiri.



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For Petitioner(s): Mr.A.P.Karventhan

For Respondent(s): Mr.Stalin Abhimanyu
Additional Government Pleader**ORDER**

Sale deed dated 15.12.2025 was executed in favour of the petitioner. When the same was presented for registration, the request for registration was declined under impugned refusal check slip dated 18.12.2025.

2. Referring to the refusal check slip, learned counsel for the petitioner submits that the sale ground of refusal is the registration of agreement of sale bearing Document No.1034 of 1997. With reference to the encumbrance certificate pertaining to the property, he submits that sale deed dated 20.05.2004 bearing Document No.984 of 2004 was registered in favour of the petitioner's vendor, Sathya, after the agreement of sale. In these circumstances, learned counsel submits that the refusal to register the document by citing the agreement of sale is completely untenable.

3. Mr.Stalin Abhimanyu, learned Additional Government Pleader, accepts notice for the sole respondent. On the basis of written instructions, he submits



that the request for registration was declined in view of agreement of sale bearing Document No.1034 of 19997 remaining on the register of encumbrances.

4. On perusal of the encumbrance certificate relating to Survey No.40/3, as contended by learned counsel for the petitioner, it appears that conveyances relating to the said property were registered even after agreement of sale bearing Document No.1034 of 1997 had been registered. In addition, until the recent amendment introducing Section 34C in the Registration Act, the registering officer did not have the power to refuse on the ground of a prior agreement of sale. Even after the amendment, the agreement of sale would not be an impediment if the period of limitation for seeking specific performance thereof expired. For all these reasons, the matter is required to be re-considered. Therefore, the impugned refusal check slip is set aside and the matter is remanded. The petitioner shall re-present the sale deed for registration within two weeks from the date of receipt of a copy of this order. Subject to fulfilment of other requirements relating to registration and after verifying whether the period of limitation has expired, necessary steps for registration shall be taken within 30 days from the date of re-presentation.



5. This writ petition is disposed of on the above terms. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Sub Registrar

O/o. Sub Registrar,

Uthangarai,

Krishnagiri district



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SENTHILKUMAR RAMAMOORTHY, J.

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