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W.P.No.2997 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.2997 of 2026
and
W.M.P. No.3361 of 2026

1.M.S.Palanivel
2.M.P.Kavitha

.. Petitioners

VS

1.The District Registrar (Admn.),
Combined District Registrar Office,
Behind the office of District Collector,
Namakkal.

2.The Sub Registrar,
Rasipuram, Namakkal.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent comprised in the impugned order dated 31.12.2025 in pending Document No.90 of 2025, quash the same as arbitrary, illegal, unconstitutional and consequently direct the respondents to receive the pending Document No.90 of 2025, register and assign permanent number and release the same in accordance with law in a time bound manner.

For Petitioners : Mr.S.Ramesh

For Respondents : Mr.U.Baranidharan,
Special Government Pleader



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ORDER

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The petitioners are intending purchasers of a property. Upon presentation of the sale deed for registration, the registering officer declined registration on two grounds. The first ground being discrepancy in the name of the petitioner's vendor as between the online patta and the sale deed. The second reason being the attachment order in O.S.No.165 of 2022.

2. Learned counsel for the petitioners submits that the correct name is Suresh Kanna and that this is the name contained in the physical patta and the sale deed. As regards the second reason, he submits that the refusal to register on the said ground is contrary to the judgment of the Division Bench of this Court in *N.Ramayee Vs. Sub Registrar, Registration Department, Valapady, Salem District and another* [2020 (6) CTC 697].

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for both the respondents. The objections to the registration are raised by the brother of the petitioners' vendor's wife. Similar objection is also raised by a third party asserting that the property concerned is owned by a Trust. Mr.Baranidharan submits that order is under Section 71 of the Registration Act, 1908 and that an appeal lies under Section 72 thereof.



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4. The first ground of refusal appears to be on account of an inadvertent error in petitioners' vendor's name. This aspect may be dealt with by submitting an appropriate affidavit. As regards the second reason mentioned in the order, in view of existence of a statutory remedy and keeping in mind the objections raised before this Court, I am not inclined to exercise summary jurisdiction. Therefore, this writ petition is disposed of by leaving it open to the petitioners to present a statutory appeal before the District Registrar under Section 72 of the Registration Act, 1908. If such appeal were to be presented within thirty days from the date of receipt of a copy of this order, the appellate authority shall receive and dispose of the same on merits without going into the question of limitation. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10.02.2026

Index:Yes/No
Neutral Citation:Yes/No
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To
1.The District Registrar (Admn.),
Combined District Registrar Office,
Behind the office of District Collector,
Namakkal.

2.The Sub Registrar,
Rasipuram, Namakkal.

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SENTHILKUMAR RAMAMOORTHY,J.

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