



WEB COPY

WP No. 4022 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 4022 of 2026

N. Nachimuthu
S/o.Nachimuthu
3/57 Shanmugavalasu
Velampatti
Palani Taluk
Dindigul District.

..Petitioner(s)

Vs

The Sub-Registrar
Sub Registrar Office
Dharapuram
Tiruppur 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 relating to the Impugned Refusal Check Slip issued by the respondent in RFL/Dharapuram/26/2025 dated 14.11.2025 and quash the same and consequently direct the respondent to register the sale deed dated 14.11.2025 presented by the petitioner for registration within a time frame that may be fixed by this Honble Court.



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For Petitioner(s):

Mr.K.J.Jeyaganesan

for Mr.P. Navaneethakrishnan

For Respondent(s):

Ms.Akila Rajendran,

Government Advocate

ORDER

A civil suit was instituted by the petitioner against one C.Chellamuthu in O.S.No.307 of 2023. An *ex parte* judgment and decree was issued in such suit on 06.12.2024. Similarly, another civil suit was filed by one Kumarasamy. Such civil suit was also decreed *ex parte* on 16.12.2024. In both suits, orders of attachment were issued on 23.01.2024 and 03.04.2024, respectively. Citing these attachment orders, the petitioner's request for registration of sale deed dated 14.11.2025 was declined. Hence this writ petition.

2. Referring to sale deed dated 14.11.2025, learned counsel for the petitioner submits that the sale deed has been executed by the defendant in the suit. In view of the money decree in the suit, he submits that the defendant agreed to convey the attached property to the petitioner. As regards Kumarasamy, who also obtained a decree in O.S.No.31 of 2024, he submits that said Kumarasamy is an attesting witness to sale deed dated 14.11.2025.



3. Ms.Akila Rajendran, learned Government Advocate, accepts notice for the sole respondent. In all fairness, she submits that re-consideration is warranted in view of the fact that the owner of the attached property has executed the sale deed in favour of the petitioner.

4. On perusal of sale deed dated 14.11.2025, it is evident that such sale deed has been executed by the person against whom the order of attachment was issued in both the suits. Because the owner of the property has executed the sale deed in favour of the petitioner, the attachment order issued in O.S.No.307 of 2023 will not be an impediment. As regards the attachment order issued in O.S.No.31 of 2024, unless the plaintiff therein expressly consents to the registration of the sale deed in favour of the petitioner, the order of attachment in that suit will act as an impediment. The fact that Kumarasamy has attested the sale deed will not *per se* amount to his consent for the execution of the sale deed in favour of the petitioner notwithstanding the order of attachment. Therefore, it is necessary to issue notice to Kumarasamy before the decision is taken as to whether to register the sale deed presented by the petitioner or not.

5. For reasons aforesaid, impugned refusal check slip dated 14.11.2025 is set aside and the petitioner is permitted to re-present the sale deed for registration. Such re-presentation shall be made within two weeks from the date of receipt of a copy of this order. Upon such re-presentation, the registering



officer shall issue notice to Kumarasamy and thereafter either register the document or issue a speaking order of refusal. These actions shall be taken within thirty days from the date of re-presentation.

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

13-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Sub-Registrar

Sub Registrar Office

Dharapuram

Tiruppur District.



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SENTHILKUMAR RAMAMOORTHY, J.

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