



WEB COPY

WP No. 49338 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 49338 of 2025

Subramaniyan,,
S/o.Palaniappa Gounder, Vettukadu,
Thetukaddu Post, Namakkal Post,
Namakkal District.

..Petitioner

Vs

The Sub-Registrar, Office of Sub-Registrar,
Senthamangalam Taluk, Namakkal District.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for records pertaining RFL / Sendhamangalam /144 / 2025 dated 02/12/2025 passed by the respondent herein and to quash the same and consequently direct the respondent to register the lease deed executed by the petitioner herein.

For Petitioner: Mr. S. Jayavel

For Respondent: Mr.U.Baranidharan, Spl. G.P.

ORDER

The petitioner executed lease deed dated 02.12.2025 in favour of Canara bank and presented the same for registration. The request for registration was



declined under the impugned refusal check slip dated 02.12.2025 by citing the attachment order in I.A.No.2 of 2022 in C.O.S.No.4 of 2022.

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2. Learned counsel for the petitioner relies upon the order dated 11.12.2020 of this Court in W.P.No.17901 of 2020 to contend that an order of attachment is not a bar for the registration of a sale certificate at the instance of a third party thereto. He also places reliance upon the order dated 28.07.2022 in W.P.No.19362 of 2022 for the same principle.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for the sole respondent. He submits that the orders relied on by learned counsel for the petitioner were prior to the entry into force of Section 22B of the Registration Act, 1908. As per sub-section (3) thereof, he submits that the registering officer has the power to refuse registration, if the property concerned is subject to an order of attachment.

4. Section 22-B(3) reads as under:

“(3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal.”



This provision was introduced with effect from 16.08.2022. It expressly mandates the registering officer to refuse registration of documents relating to transfer of immovable property, including by way of lease, if the said property is subject to an order of attachment by any Court. The admitted position is that the property concerned is subject to an order of attachment in I.A.No.2 of 2022 in C.O.S.No.4 of 2022. Learned counsel for the petitioner, in fact, submits that the said order of attachment has been assailed by way of an appeal.

5. In the facts and circumstances outlined above, the registering officer was entitled to refuse registration. Therefore, no case is made out to interfere with the impugned order. By leaving it open to the petitioner to re-present the instrument for registration if the order of attachment is raised, the present writ petition is disposed of without any order as to costs.

06-01-2026

Index : Yes/No

Internet: Yes/No

Neutral Citation : Yes/No

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To

The Sub-Registrar, Office of Sub-Registrar,
Senthamangalam Taluk, Namakkal District.



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SENTHILKUMAR RAMAMOORTHY, J.

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