



W.P.No.49768 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.49768 of 2025

T.Thegaleesan

... Petitioner

-VS-

The Joint Sub Registrar No.1,
Villupuram.

... Respondent

PRAAYER: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in RFL/No.1 Joint Sub Registrar, Villupuram/78/2025 dated 03.12.2025 and quash the same and thereby direct the respondent to register the sale deed in favour of petitioner dated 01.12.2025 in respect of the property situate at Dry S.No.13 New S.No.13/1A1A1A measuring an extent of 1200 sq.ft with 400 sq.ft superstructure therein at Kakuppam Village, Villupuram Taluk.



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For Petitioner : Mr.N.Suresh
For Respondent : Ms.Akila Rajendran
Government Advocate

ORDER

The petitioner's mother executed a sale deed in favour of the petitioner. Upon presentation for registration, the request was declined under the impugned refusal check slip.

2. Learned counsel for the petitioner submits that the impugned order is unsustainable in as much as the existence of a prior mortgage is cited as the reason for refusal. By relying on the judgment of this Court in *Federal Bank Limited v. Sub Registrar and others 2023(2) CTC 289*, learned counsel submits that the registering officer is not entitled to refuse registration on the ground of the existence of a mortgage.

3. Ms.Akila Rajendran, learned Government Advocate accepts notice for the respondent.



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4. The existence of a prior mortgage is not a ground for refusal of registration of a conveyance. Such conveyance would, however, be subject to the rights of the mortgagee under the prior mortgage. In addition, it has been held in several judgments, including *T.Gopi v. The Inspector General of Registration*, that the registering officer does not have the power to adjudicate on title, including with reference to Rule 55A of the Registration Rules, which was struck down in the said judgment.

5. For reasons aforesaid, the impugned order cannot be sustained and is hereby set aside. Consequently, the petitioner is permitted to re-present the instrument for registration. Subject to fulfilment of other requirements such as payment of stamp duty and registration fees, the instrument shall be registered within **two weeks** from the date of re-presentation thereof.

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

09.01.2026

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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To

The Joint Sub Registrar No.1,
Villupuram.

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