



W.P.(MD) No.906 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 19.01.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.P.(MD)No.906 of 2026**  
**and W.M.P.(MD)No.758 of 2026**

Panchavarnam

... Petitioner

Vs

The Sub Registrar No.II,  
Sivagangai,  
Sivagangai District.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned Refusal Check Slip issued by the respondent dated 20.11.2025 in RFL/Sub Registrar No.II Sivagangai/27/2025 and quash the same as illegal and consequently direct the respondent to register the Sale deed dated 18.11.2025 in respect of the property comprised in Old Survey No.33/5, New S.No. 33/5A, measuring to an extent of 42 cents situated in Melavaniyangudi Village, Sivagangai Taluk and District within a stipulated time as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.A.Mohan  
For Respondent : Mr.M.Lingadurai,  
Spl. Govt. Pleader

## **ORDER**

This Writ Petition is filed challenging the impugned refusal check slip issued by the respondent dated 20.11.2025 and seeking for a consequential direction to the respondent to register the Sale deed dated 18.11.2025 in respect of the property comprised in Old Survey No.33/5, New S.No. 33/5A, measuring to an extent of 42 cents situated in Melavanayangudi Village, Sivagangai Taluk and District within a stipulated time as may be fixed by this Court.

**2.** By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

**3.** It is the grievance of the petitioner that when the petitioner presented a sale deed dated 18.11.2025 for registration, the same was refused to be registered, citing the reason that the subject property is encumbered by a mortgage deed and therefore, any claim or



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transaction ignoring the said encumbrance is legally untenable. The respondent also directed the petitioner to get a NOC from the mortgagee in terms of Circular No.24011/C1/2020, dated 08.10.2020, issued by the Director General of Registration. Challenging the same, the petitioner has filed this Writ Petition.

4. The learned counsel appearing for the petitioner would submit that mere existence of a mortgage or any prior transfer does not constitute a statutory ground for refusal of registration. In support of his submission, he referred a judgment of the Hon'ble Division Bench reported in **2020 (6) CTC 697 (N.Ramayee Vs. The Sub Registrar, Registration Department, Salem)**.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the material available on record.

6. In the present case, the respondent refused to register the sale deed on the ground that the subject property was already mortgaged in the year 1975. This Court is of the view that mere mortgage of a



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property, cannot be a reason for rejection of registering the document.

The said aspect has already been decided by Hon'ble Division Bench in ***Ramayee case*** (cited supra), wherein the Hon'ble Division Bench had held that the said circular cannot stand in the eye of law. Therefore, citing the said circular, the respondent cannot be refused to register the document. Therefore, the impugned order is liable to be quashed.

7. Accordingly, the impugned refusal check slip issued by the respondent dated 20.11.2025 is quashed and the Writ Petition is allowed. The petitioner is permitted to re-present the sale deed dated 18.11.2025. Upon representation, the respondent is directed to register the same, if it is otherwise in order, forthwith. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**19.01.2026**

vsm



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To

The Sub Registrar No.II,  
Sivagangai,  
Sivagangai District.



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**KRISHNAN RAMASAMY, J.**

vsm

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