



W.P.(MD)Nos.4522 & 4523 of 2026

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

**DATED: 18.02.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.P.(MD)Nos.4522 & 4523 of 2026**

**and**

**W.M.P.(MD)Nos.3769 & 3777 of 2026**

|           |                                      |
|-----------|--------------------------------------|
| Kannan    | ... Petitioner in W.P.(MD)No.4522/26 |
| Rajendran | ... Petitioner in W.P.(MD)No.4523/26 |
|           | Vs.                                  |

|                                                                                                               |                               |
|---------------------------------------------------------------------------------------------------------------|-------------------------------|
| The Sub Registrar,<br>O/o Sub Registrar Office of Thiruvaiyaru,<br>Thiruvaiyaru Taluk,<br>Thanjavur District. | ... Respondents in both W.Ps. |
|---------------------------------------------------------------------------------------------------------------|-------------------------------|

**COMMON PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writs of Certiorarified Mandamus, calling for the records pertaining to the original Refusal Check Slips passed by the respondent vide his proceedings in RFL/Thiruvaiyaru/157/2025 & RFL/Thiruvaiyaru/159/2025 dated 10.10.2025 and quash the same as illegal and directing the



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respondent to register the settlement deeds executed by the petitioner's father Pichaiya Muthiriyar in favour of the petitioner.

For Petitioner : Mr.M.Vivek

For Respondent : Mr.A.Kannan,

Additional Government Pleader

### **COMMON ORDER**

Challenge has been made against the refusal check slips issued by the respondent dated 10.10.2025

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

**3.**The learned Counsel for the petitioner would submit that the subject property belongs to the petitioners' father. The petitioners' father acquired the property through a partition deed which was registered as Document No.417 of 1962 dated 30.04.1962. All the revenue records stands in the name of the petitioners' father. Now, the petitioners' father intends to settle the property in favour of the petitioners and when the settlement deeds were presented for registration before the respondent, the



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respondent refused the same citing the reason that a mortgage deed has been registered on 01.12.1964 with respect to the subject property in the name of one Panchalayammal. Hence the present Writ Petitions.

**4.** Learned Counsel for the petitioners would submit that the mortgage amount had already been settled. The mortgage is of the year 1964, even if the mortgage deed is in existence, it cannot be enforceable. Hence, the learned Counsel prays for setting aside the impugned orders dated 10.10.2025.

**5.** Learned Additional Government Pleader appearing for the respondent would submit that since the mortgage deed dated 01.12.1964, pertaining to the subject property reflected in the records, the respondent refused to register the settlement deeds presented by the petitioners. For registration of the present settlement deeds presented by the petitioners, an NOC must be obtained from the mortgager.

**6.** Heard the learned Counsel on either side.



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7.Considering the submissions made by the learned Counsels, this Court finds force in the submission made by the learned Counsel for the petitioner. When the mortgage was made on 01.12.1964 in the name of Panchalayammal, it is for the said Panchalayammal to take steps to enforce the said deed. Even after so many years, they have not taken any steps. Even assuming if that said Panchalayammal who now no more is able to establish through her legal heirs that they are entitled for the subject property for non-payment of the debt in terms of the mortgage deed, the alleged debt is not enforceable and no effect can be given to the mortgage deed after a period of 30 years. Hence, the respondent has no impediment in registering the settlement deed presented by the petitioners.

8.Accordingly, the impugned orders dated 10.10.2025, passed by the respondent are set aside. While setting aside the impugned orders, this Court directs the petitioners to re-present the settlement deeds to the respondent with the original partition deed and the respondent shall register the said settlement deeds in accordance with law, forthwith.



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9. Accordingly, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**18.02.2026**

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



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To  
The Sub Registrar,  
O/o Sub Registrar Office of Thiruvaiyaru,  
Thiruvaiyaru Taluk,  
Thanjavur District.



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**KRISHNAN RAMASAMY, J.**

MR

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