



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :19.09.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.42928 of 2016

WEB COPY

A.Rathna Kumar

..Petitioner

vs

1.The Inspector General of Registration
No.100, Santhome High Road,
Chennai - 600 028.

2.The Sub-Registrar,
Sub-Registrar Office,
Oothangarai, Krishnagiri.

3.Prabha
(R3-impleaded as per order dated
14.02.2017 in W.M.P.No.37572/2016
in W.P.No.42928/2016)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to Na.Ka.No.221/2016 issued by the Second Respondent on 18.11.2016 and quash the same directing the Second Respondent to register the nine Documents namely the Deed of Sale executed on 26.08.2016 in respect of the petitioner's property in Survey Nos.72/1;74/2;73/1 measuring an extent of Acre 8.50 cents to be executed by the Petitioner A.Rathna Kumar in favour of 1. R.Paneer Selvam 2.C.Murugesan, 3.G.Sathiyamurthy, 4.G.Suresh, 5.K.Mani, 6.K.Palanisamy, 7.R.Kanakaraj, 8.P.Manickam, 9.K.Raja and return the document to the Petitioner after completing all the formalities of Registration.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.RRN Legal

For Respondents : Mr.P.P.Purushothaman, GA for R1 & R2
Mr.R.Bharath Kumar for R3

O R D E R

The learned Senior Counsel appearing on behalf of the writ petitioner states that a mere pendency of a Civil Suit will not be bar for registering a document under the provisions of the Registration Act.



2.It is further contended that a Civil Suit in O.S.No.24 of 2016 was filed for bare injunction. The learned Senior counsel is of an opinion that in the absence of any order from the Civil Suit, the Sub Registrar is bound to register the documents presented before him by following the procedures as contemplated under the Registration Act. In the absence of any order from the competent Court, the authorities need not hold the document for an unspecified period without any other valid reasons.

3.The learned counsel appearing on behalf of the 3rd respondent raised an objection by stating that the Suit was filed for bare injunction, wherein the Sub Registrar is also added as a defendant in the Civil Suit. That is the reason why the Sub Registrar has not registered the document.

4.The learned Government Advocate appearing on behalf of the official respondents also states that the Sub Registrar has declined to register the documents on account of the pending Civil Suit filed between the parties in O.S.No.24 of 2016.

5.This Court is of an opinion that a mere pendency of the litigations in the absence of an order is not a bar for registering a document by following the procedures as contemplated under the Registration Act. Undoubtedly, the Sub Registrar is bound to follow all other procedures for the registration of a document. In the event of any other impediment also, he has empowered to decline for registration. Thus, the Sub Registrar has to consider all the facts and circumstances and thereafter, take a decision for registration of a document by following the procedures as contemplated under the Registration Act and the Rules.

6.In this regard, the writ petitioner is permitted to submit a fresh representation, setting out all the details along with the documents within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such representation from the writ petitioner, the Sub Registrar, Oothangarai, Krishnagiri / the 2nd respondent is directed to consider the merits and the demerits of the matter by conducting an enquiry and by affording reasonable opportunity to all the parties concerned and pass orders on merits and in accordance with law within a period of eight weeks thereafter.

7.With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



To

1.The Inspector General of Registration
No.100, Santhome High Road,
Chennai - 600 028.

2.The Sub-Registrar,
Sub-Registrar Office,
Oothangarai, Krishnagiri.

+1cc to Mr.RRN Legal, Advocate, S.R.No.65600

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.65435

+1cc to the Government Pleader, S.R.No.65822

W.P.No.42928 of 2016

MG(CO)
GSP(03/10/2018)