



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.14713 of 2019
and
W.M.P. (MD) No.11135 of 2019

P.Suresh

... Petitioner

-Vs-

1.The Sub Registrar,
Sub Registrar Office,
Chokkikulam,
Madurai.

2.Karanthamalai Kannan

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.No.195/2019 dated 10.06.2019 passed by the 1st respondent and quash the same as illegal and further directing the 1st respondent to entertain the petitioner's document for registration.

For Petitioner : Mr.M.Maran

For Respondents : Mr.M.Murugan, Govt. Advocate
for RR1

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.No.195/2019 dated 10.06.2019 passed by the 1st respondent and quash the same as illegal and further directing the 1st respondent to entertain the petitioner's document for registration.

2.Heard Mr.M.Maran, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the 1st respondent. Since no adverse order is going to be passed against the 2nd respondent, notice to him is dispensed with.

3.The document submitted by the petitioner seems to have been rejected for registering the same by the 1st respondent on the ground that objection has been raised by the 2nd respondent stating



that civil Suit is pending with regard to the property in question between the petitioner and the 2nd respondent. Citing that reason, the rejection order has been made.

4. I have heard the learned Government Advocate in this regard, who would submit that, the pendency of the civil proceedings cannot be a reason for rejecting the document by the 1st respondent and therefore, the impugned order can be quashed and the matter can be remitted back to the 1st respondent for reconsideration.

5. Appreciating the said stand taken by the learned Government Advocate appearing for the 1st respondent, with the consent of both the parties, this Court is inclined to dispose of this writ petition, at the admission stage itself, with the following order:

"The impugned order is quashed and the matter is remitted back to the 1st respondent for reconsideration. The 1st respondent shall reconsider the plea of the petitioner for registration of document on merits, notwithstanding the reason that the civil Suit is pending between the petitioner and the 2nd respondent. Before taking a decision, the 1st respondent shall hear the 2nd respondent also and ultimately, take a decision thereon, within a period of four weeks from the date of receipt of a copy of this order."

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

The Sub Registrar,
Sub Registrar Office,
Chokkikulam,
Madurai.

+1 CC to M/s.M.MARAN, Advocate (SR-72667[F] dated 02/07/2019)

+1 CC to M/s.SPL GP (SR-73215[F] dated 03/07/2019)

Arul