

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18184 of 2020

C.Perumal

... Petitioner

Vs.

1.The District Registrar,
Salem East,
near Sakthi Kailash College,
Bye Pass Road,
Salem 636 003.

2.The Sub Registrar,
Attur Sub Registrar Office,
No.603/264/4, Taluk Office Campus,
Attur 636 102.

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned pending document receipt No.8476/2020 on the file of the Sub-Registrar, Attur and quash the same and consequently to direct the 2nd respondent to release the document namely General Power of Attorney dated 22.10.2020 executed by the petitioner.

For Petitioner : Mr.M.Rajendiran

For Respondents: Mr.T.M.Pappiah, Spl. Govt. Pleader

सत्यमेव जयते
O R D E R

On consent given by either side, the main Writ Petition itself has been taken for final hearing.

2. The case of the petitioner is that he is the owner of the subject property. The petitioner executed a joint Power of Attorney on 22.10.2020 and this was presented for registration before the 2nd respondent. It is seen from the records that the petitioner had also paid the necessary stamp duty and registration fees and a receipt has also been given. However, the 2nd respondent has refused to register the document only on the ground that there is a suit pending before the Court. This endorsement is found in the receipt that was issued to the petitioner, after he paid the necessary charges.

3. Heard Mr.M.Rajendiran, learned counsel for petitioner and Mr.T.M.Pappiah, learned counsel appearing for respondents 1 and 2.

4. In the considered view of this Court, the 2nd respondent ought not to have refused registration of the document presented by the petitioner merely on the ground that there is a civil suit pending. Unless and otherwise, there is any prohibitory order passed by the competent Court, the mere pendency of a case can never be a ground to prevent a person from dealing with the property. Therefore, the reason assigned by the 2nd respondent for refusing to register the document is not sustainable.

5. In view of the above discussion, there shall be a direction to the 2nd respondent to entertain the document and register the same, if it is otherwise in order. The document shall be released after registration.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

1.The District Registrar,
Salem East,
near Sakthi Kailash College,
Bye Pass Road,
Salem 636 003.

2.The Sub Registrar,
Attur Sub Registrar Office,
No.603/264/4, Taluk Office Campus,
Attur.

+1cc to Mr.M.Rajendran, Advocate, S.R.No. 40891
+1cc to the Government Pleader, S.R.No. 40919

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CP(CO)
GN(18/01/2021)