

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.4101 of 2021

P.Naveen Kumar

...Petitioner

-Vs-

1.The District Registrar,
Office of the District Registrar,
Tiruppur District.

2.The Sub Registrar,
Kunnathur,
Tiruppur District.

3.R.Naveenprabhu

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent made in proceedings in Na.Ka.No.236/A1/2021 dated 22/01/2021 by confirming the order passed by the 2nd respondent in refusal, cheque slip refusal number RFL/Kunnathur/3/2020 dated 16/12/2020 and quash the same and consequently direct the 2nd respondent to register the document presented by the petitioner within the stipulated time as that may be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Umapathi

For R1 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition is filed for a writ of Certiorarified Mandamus, to call for the records of the 1st respondent made in proceedings in Na.Ka.No.236/A1/2021 dated 22/01/2021 confirming the order passed by the 2nd respondent in refusal, cheque slip refusal number RFL/Kunnathur/3/2020 dated 16/12/2020 and quash the same and consequently, direct the 2nd respondent to register the document presented by the petitioner.

2.The Registration Department has refused registration of the document presented by the petitioner on the ground that there was a suit in O.S.No.353 of 2020 pending before the District Munsif Court, Avinashi.

3.The learned counsel for the petitioner brought to the notice of the Court the order of this Court in W.P.No.12585 of 2020 reported in 2021 (1) CTC 535 to release the document presented for registration.

4.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the first respondent.

5.There are two parts to this; The judicial interpretation of Section 52 of the Transfer of Property Act enables transfer of property pendelute subject to such transfer to the outcome of the suit.

6.Hence, the entire matter requires a relook and therefore, this Court quashes the impugned proceedings dated 22.01.2021 and remits the matter back to the first respondent, who will now hold an enquiry within the meaning of Section 34 of the Registration Act, and decide the issue based on the Judgment of the Division Bench of this Court in N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305].

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Tsg
To

1.The District Registrar,
Office of the District Registrar,
Tiruppur District.

2.The Sub Registrar,
Kunnathur,
Tiruppur District.

+1cc to M/s.N.Umapathi, Advocate Sr.12360

W.P.No.4101 of 2021

pl[co]
srg 24/03/2021