



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 6366 of 2019

M. Ayyakani

...Petitioner

Vs

1. Joint Sub Registrar-II,
Cuddalore 607 002.

2. K. Ambika

3. K. Sakthivel

4. K. Hemalatha

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorified Mandamus to call for the records of the check slip dated 26.12.2018 issued by 1st respondent and quash the same and further issue necessary direction to the 1st respondent to register the sale deed dated 22.11.2018 presented for registration through on line mode vide, TP/50680280/2018 in respect of the property bearing Door No.86A and 86B, Ward No.2, Block No.3, Kasukadai Street, Cuddalore Harbour situated within territorial jurisdiction of the 1st respondent.

For petitioner ... Mr. T.K.Ashok Kumar

For respondents ... Mr.T.M.Pappiah,
Spl. G.P., for R1

ORDER

This writ petition has been filed challenging the order passed by the first respondent/ Joint Sub Registrar-II, Cuddalore, refusing to register the petitioner's sale deed dated 22.11.2018 on the ground that the suit is pending in O.S.No.291 of 2018 on the file of the District Munsif Court, Cuddalore.

2. Earlier, on 04.07.2019, when the matter was taken up for hearing, this Court directed the first respondent to produce



the copy of the plaint in O.S.No.291 of 2018 and other materials which were submitted to the registering authority.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the first respondent would submit that the suit in O.s.No.291 of 2018 has been filed by the third party, as against the vendor of this petitioner for permanent injunction restraining them from interfering with his peaceful possession. Now, the suit is dismissed for default on 11.02.2021 and the suit is not restored so far.

4. Considering the fact that the first respondent has refused to register the sale deed dated 22.11.2018 only on the ground of pendency of the civil suit seeking for permanent injunction not for declaration of title, and now, it is stated that the suit has also been dismissed for default, I am inclined to set aside the order passed by the first respondent.

5. Accordingly, this Writ petition is allowed and the order passed by the first respondent on 26.12.2018 is set aside and the first respondent is directed to register the sale deed dated 22.11.2018 if the documents are otherwise in order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

Joint Sub Registrar-II,
Cuddalore 607 002.

+1 cc to Mr.T.K.Ashok Kumar, Advocate Sr.No.25861.
+1 cc to Government Pleader Sr.No.26353.

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AK[co]
NSK 29/07/2021