



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24056 of 2021

Shanmugam

... Petitioner

Vs

1. The District Registrar,
The District Registrar Office,
Thirupur District.

2. The Sub-Registrar,
Sub-Registrar Office,
Mulanur,
Tirupur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Mulanur/28/2021 dated 23.09.2021 and to quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to register the sale deed dated 23.09.2021 executed by the petitioner by considering the petitioner's representation dated 27.09.2021.

For Petitioner : Mr.C.Ramaraaj

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Mulanur/28/2021 dated 23.09.2021 and to quash the same as illegal, incompetent and ultra-vires and consequently direct the 2nd respondent to register the sale deed dated 23.09.2021 executed by the petitioner by considering the petitioner's representation dated 27.09.2021.



2. The case of the petitioner is that he is the absolute owner of the property comprised in S.No.220/2A of an extent of 1.56 acres in "Amutha Surabi Nagar" situated at Perimiam Village, Mulanur, Dharapuram Taluk, Thirupur District. The said property, was divided into house plot Nos.4, 5, 6, 11, 18, 19, 24 and 25, in which the petitioner intended to sell the plot No.4 of an extent of 1815 sq.ft and comprised in S.No.220/2A situated at Perimiam Village, Mulanur, Dharapuram Taluk, Thirupur District in favour of one S.Mathivanan for valid sale consideration. Accordingly, the petitioner executed the sale deed in his favour dated 23.09.2021 and presented for registration on the same day. Thereafter, the petitioner was issued with the impugned order dated 23.09.2021. The parent deed of the said property is under challenge in O.S.No.40 of 2020 on the file of the Sub Court, Dharapuram, in which the petitioner and the second respondent are the parties. While pending the suit, it can be registered, subject to the result of the suit.

3. The learned counsel for the petitioner submitted that in the plaint in O.S.No.40 of 2020, the second respondent has been added as eighth defendant. The interim injunction was sought for from discharging the statutory duty against the second respondent herein and by invoking Order 1 Rule 10(2) of the Civil Procedure Code, the second respondent has been struck off from the party arrayed in the suit, by order dated 15.09.2021 on the file of the Sub Court, Dharapuram. That apart, pendency of the suit, without any interim order as against the registering authority, is not an impediment to register any documents. In this regard, the Inspector General of Registration issued a circular No.39708/C1/2018 dated 04.10.2018 to the registrars, thereby if there is no restraining order to Register the documents, the Registrars can very well register the document.

4. In view of the above discussion, the impugned order passed by the second respondent is set aside. Accordingly, this Writ Petition is allowed. The second respondent is directed to register the sale deed dated 23.09.2021 executed by the petitioner and release the same forthwith. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar



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To

1. The District Registrar,
The District Registrar Office,
Thirupur District.

2. The Sub-Registrar,
Sub-Registrar Office,
Mulanur,
Tirupur District.

+lcc to Mr.M.Guruprasad, Advocate SR.No.57493
+lcc to the Government Pleader, SR.No.57850

W.P.No.24056 of 2021

RGN(CO)
CB(02/12/2021)