



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.11561 of 2021

and W.M.P. (MD).No.9080 of 2021

WEB COPY

M.Baskaran

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The No.2 Joint Sub Registrar,
O/o. The No.2 Joint Sub Registrar,
Dindigul Post & District.

3.Mr.A.Muthuraja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd respondent in Registration Refusal Check Slip in Refusal Number: RFL/2 No.2 Joint Sub Registrar, Dindigul / 2/ 2021, dated 01.03.2021 and quash the same and consequently direct the 2nd respondent to register the Sale Deed executed by the petitioner in respect of property situated in S.No.590/9, 10, 11, & 5C, Chetti Naicken Patti Village, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.M.Lingadurai for R1 & R2
Government Advocate

ORDER

On consent given by either side, the main writ petition itself is taken up for final hearing.

2.The subject matter of challenge in the present writ petition is the Refusal Check Slip issued by the second respondent, dated 01.03.2021.

3.The case of the petitioner is that he is the absolute owner of the subject property and he wanted to sell this property in favour of one Mayavan. Hence, a sale deed was executed in his favour, on 01.03.2021 and it was presented for registration before the second respondent. The same was refused to be registered by the second respondent by virtue of the Refusal Check Slip and aggrieved by the same, the present writ petition has been filed before this Court.

4.Heard Mr.M.Saravanakumar, learned counsel appearing for the
<https://hcservices.ecourts.gov.in/hcscservices/>



petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2.

5.The second respondent has refused to register the sale deed on the following grounds:-

- a) There is a criminal case pending in Crime No.523 of 2015.
- b) There is a suit for bare injunction pending in O.S.No.53 of 2016 and
- c) That the original title deed pertaining to the property has not been produced.

6.All the three grounds that have been raised by the second respondent to refuse registration of the sale deed are unsustainable.

7.The mere pendency of a criminal case can never be a ground to refuse registration of a document. It has been repeatedly held that even if a letter is received from the Investigation Officer not to register any sale deed, such a letter is without jurisdiction and it should not be acted upon by the registering authority. Unless there is an order of attachment passed by a Competent authority, the mere pendency of a criminal case cannot be a ground to refuse registration of a document.

8.Insofar as the pendency of civil suit is concerned, this Court has repeatedly held that a transfer of property can take place during the pendency of a suit and it will only be subject to the result of the suit as per the *doctrine of lis pendense*. Unless there is a prohibitory order issued by a civil Court, the registration of a document can never be refused on the ground of pendency of a Civil suit.

9.Insofar as the production of original title deed is concerned, this Court has held repeatedly that the Registering Authority cannot insist for the production of the original title documents and such a power is not vested with the Registering Authority. Useful reference can be made to the Judgment of this Court in ***Sivanadiyan Vs. Sub Registrar, Pudukottai***, reported in **2021 (2) CTC 526**.

10.In view of the above discussion, this Court has absolutely no hesitation to interfere with the impugned Refusal Check Slip issued by the second respondent and accordingly, the same is hereby quashed.

11.The second respondent is directed to receive the document and register the same, if it is otherwise in order and necessary stamp duty and registration charges are paid. The document shall be released immediately after registration.



12.This writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The No.2 Joint Sub Registrar,
O/o. The No.2 Joint Sub Registrar,
Dindigul Post & District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-22262[F] dated
13/07/2021)

+1 CC to M/s.SPL GP (SR-22560[F] dated 14/07/2021)

**W.P. (MD) .No.11561 of 2021
13.07.2021**

RK (22.07.2021) 3P 5C