



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1567 of 2021

and

C.M.P(MD)No.6504 of 2021

A.Muthuraja ... Appellant / 3rd Respondent
Vs.
1.M.Baskaran ... 1st Respondent / Petitioner
2.The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 600 028.
3.The No.2 Joint Sub-Registrar,
O/o.The No.2 Joint Sub-Registrar,
Dindigul Post & District. ... Respondents 2 & 3/
Respondents 1 & 2

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 13.07.2021 made in W.P(MD)No.11561 of 2021 on the file of this Court.

Prayer in WP(MD). 11561/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 2nd respodent in Registration Refusal Check Slip in Refusal Number. RFL/2/No.2 Joint Sub Registrar Dindigul/2/2021 dt 1.3.2021 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 and 5C Chetti Naicken Patti Village, Dindigul West Taluk, Dindigul District.

For Appellant : Mr.S.Sarvagan Prabhu

For RR 2 & 3 : Mr.P.Thilak Kumar

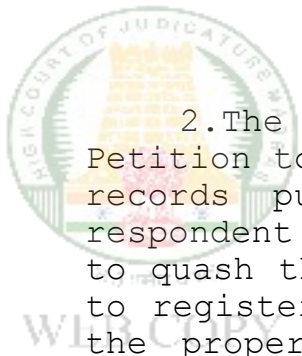
Standing Counsel for the Government

JUDGMENT

(Judgment of the Court was delivered by

M.DURAI SWAMY, J.)

Challenging the order, dated 13.07.2021, passed in W.P(MD) No.11561 of 2021, the third respondent in the Writ Petition has filed the above Writ Appeal.



2.The first respondent / writ petitioner has filed the Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order passed by the second respondent in Registration refusal check slip, dated 01.03.2021 and to quash the same and consequently, directing the second respondent to register the sale deed executed by the petitioner in respect of the property situated in Survey Nos.590/9, 10, 11 & 5C, Chetti Naicken Patti Village, Dindigul West Taluk, Dindigul District.

3.The learned Single Judge, after taking into consideration the case of both the parties, allowed the Writ Petition, by order dated 13.07.2021.

4.Admittedly, the appellant has filed a civil suit in O.SNo.53 of 2016 on the file of the District Munsif Court, Dindigul, for injunction restraining the District Registrar, Dindigul and No.2 Joint Sub-Registrar, Dindigul, from registering any document in respect of the property in dispute.

5.When the Writ Appeal is taken up for hearing today, Mr.S.Sarvagan Prabhu, learned counsel appearing for the appellant and Mr.P.Thilak Kumar, learned Standing Counsel for the Government appearing for the respondents 2 and 3 submitted that pursuant to the order passed in the Writ Petition in W.P(MD)No.11561 of 2021, the first respondent executed a sale deed in favour of one Mayavan on 23.07.2021 and the same was also registered on the same day.

6.The learned counsel appearing for the appellant submitted that he has got instruction from the appellant to the effect that he would challenge the sale deed executed by the first respondent on 23.07.2021, before the competent civil Court in accordance with law, therefore, the Writ Appeal may be dismissed.

7.Having regard to the submissions made by the learned counsel on either side, since the learned counsel appearing for the appellant submitted that he would challenge the sale deed executed by the first respondent before the competent civil Court in accordance with law, the Writ Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

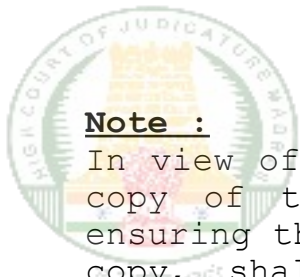
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

ps



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.

WEB COPY

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.S.SARVAGAN PRABHU, Advocate (SR-26413[F] dated
16/08/2021)

+1 CC to M/s.GP (SR-26522[F] dated 17/08/2021)

**W.A(MD)No.1567 of 2021
16.08.2021**

RD(26.08.2021) 3P 5C