



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6180 of 2022
and W.M.P.No.6252 of 2022

Ravi

...Petitioner

Vs.

The Sub-Registrar,
Harur,
Dharmapuri District

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorariafied Mandamus calling for the records pertaining to the Refusal Check Slip in refusal number RFL/Harur/43/2022 dated 26.02.2022 passed by the respondent and to quash the same as illegal, incompetent and ultra vires and consequently direct the respondent to register the sale deed dated 26.02.2022.

For Petitioner : Mr.J.Pradeep

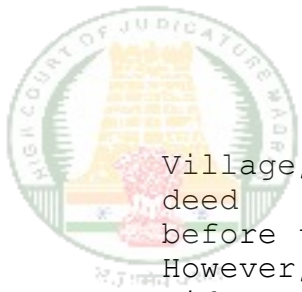
For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorariafied Mandamus calling for the records pertaining to the Refusal Check Slip in refusal number RFL/Harur/43/2022, dated 26.02.2022 passed by the respondent and to quash the same as illegal, incompetent and ultra vires and consequently direct the respondent to register the sale deed dated 26.02.2022.

2. The learned Special Government Pleader appearing for respondent take notice for the official respondent. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, one Sakthivel with an intent to sell his property in Survey Nos.50/3 and 52/2A an extent of 1.17 and 1.04 acres, situated at Ilayampatty



Village, Harur Taluk, Dharmapuri District, executed a sale deed in favour of the petitioner and presented the same before the respondent to register the sale deed on 26.02.2022. However, the respondent refused to register the said document vide Refusal Check Slip in Refusal Number: RFL/Harur/43/2022 dated 26.02.2022 on the ground that, the sister of of said Sakthivel's vendor filed a suit in O.S.No.482 of 2021, on the file of the Sub Ordinate Court, Harur and the same is pending. Challenging the same, this writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted though the respondent is a party in the said suit, the petitioner is not a party and there is no restraint order passed against the respondent. Hence, not to register the document on the ground of pendency of a suit is not sustainable. Accordingly prayed for appropriate orders.

5. The learned Special Government Pleader appearing on behalf of the official respondent submitted that though the respondent is a party in the said suit and no restraining order was passed against the respondent by the competent Civil Court, and therefore refusing to register the document is perfectly in order. Accordingly, he prayed for dismissal of this Writ petition.

6. Facts in the present case are not in dispute. Admittedly, the petitioner is intended to purchase the property from one Sakthivel and the said Sakthivel executed a sale deed and presented the same before the respondent for registration. However, it is alleged that the sister of the said Sakthivel's vendor filed a suit in O.S.No.482 of 2022, on the file of the Sub ordinate Court, Harur and it appears that no restraining order was passed against the respondent. Hence, in the absence of any restraint order against the respondent, the order of the respondent refusing to register the document is not sustainable.

7. In view of the above, this Court is inclined to issue direction to the respondent to register the document after collecting necessary stamp duty and registration charges, if it is otherwise in order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//



Psa

To

The Sub-Registrar,
Harur,
Dharmapuri District.

+1cc to Mr.J.Pradeep, Advocate SR. No.18731
+1cc to Government Pleader SR. No.19502

W.P. No.6180 of 2022

SR II (CO)
PR (07/04/2022)