



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2022

CORAM :

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.12368 of 2022

M.Gnanaprakasam

... Petitioner

Vs

1. The District Registrar,
Chennai South,
Office of the District Registrar,
Guindy, Chennai 600 015.
2. The Sub-Registrar,
Padappai,
KR Puram, 2nd Street,
Vandalor Walazabad Main Road,
Padappai,
Chennai 601 301.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned refusal slip dated 05.04.2022 issued by the 2nd respondent and to quash the same as illegal and without jurisdiction and to consequently direct the 2nd respondent to register the settlement deed dated 05th April 2022 presented by the petitioner with respect to property situated in Thirumudivakkam Village, Old Survey No.175, New Survey No.175/1A, admeasuring an extent of 65.4 cents.

For Petitioner .. Mr.Govind Chandrasekhar

For Respondents .. Mr.D.Ravichander
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.



2. The petitioner states that he is the absolute owner of the petition mentioned land, he wants to settle the same in favour of his daughters, when the settlement deed was presented for registration, the second respondent issued a impugned check slip declining to register the document. The reason set out in the impugned check slip is that in respect of the subject land, a civil suit is pending and that one Balu had given a petition opposing the registration, as rightly pointed out by the learned counsel appearing for the writ petitioner, the reason set out in the impugned check slip is patently unsustainable.

3. Mere pendency of a civil suit cannot be a bar for registering the suit property. If an interim order had been granted in the civil suit, then of course, the registration cannot take place, but in this case the petitioner categorically states that there is no interim order as against registering of any document in respect of the subject matter property. On the other hand, he would point out that the very scope of the suit is only for protecting the plaintiff therein from being dispossessed except by due process of law. Pendency of such a suit cannot be a bar for registration of the petition mentioned property. I find force in the contentions, the impugned check slip is quashed. The 2nd respondent is directed to register the petition-mentioned document.

4. The Writ Petition is allowed. No costs.

Sd/-

Vacation Officer

True Copy//

Sub Assistant Registrar

ms/mk

To

1. The District Registrar,
Chennai South, Office of the District Registrar,
Guindy, Chennai 600 015.

2. The Sub-Registrar,
Padappai, KR Puram, 2nd Street,
Vandalor Walazabad Main Road,
Padappai, Chennai 601 301.

+1cc to Mr.Govind Chandrasekhar, Advocate, S.R.No.31407

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NSK/20/05/2022