



WEB COPY



W.P. No. 16106 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 16106 of 2017
and W.M.P. No.17392 of 2017

1. R.Srinivasan
2. K.Saraswathi

... Petitioners

-VS-

1. The Inspector General of Registration,
No.7, Santhome High Road, Chennai-4.

2. The Deputy Inspector General Registration,
(Administration), South,
Chennai, Saidapet, Chennai-15.

3. The Sub Registrar,
Virugambakkam, Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the issuance of impugned order in 1934/ஆ1/ 2017 dated 29.5.2017 passed by the 2nd respondent herein and quash the same consequently direct the 3rd respondent to register the deed of mortgage dated 9.12.2016 at S.R.O. Virugambakkam.

For Petitioners	: Mr. C.Umasankar
For Respondents	: Mr. C.Kathiravan Spl. Government Pleader

ORDER

This writ petition has been filed seeking to quash the impugned order in 1934/ஆ1/2017, dated 29.5.2017 passed by the 2nd respondent herein and



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consequently, direct the 3rd respondent to register the deed of mortgage dated

9.12.2016 at S.R.O. Virugambakkam.

2. The case of the petitioners is that they are the absolute owners of the property in Plot No.29-A, Sri Devi Nagar, 3rd street, Maduravoyal, Chennai and the said property was purchased by the petitioners from one Christopher Jayaprakash vide sale deed dated 14.07.2016 in document No.4153 of 2016. To develop the above said property, the petitioners approached the City Union Bank for loan, for which, the Bank has directed to create mortgage in their favour by depositing the title deeds regarding the property in question. When the petitioners approached the third respondent for registering the memorandum of deposit of title deeds in favour of the above said Bank, the third respondent has refused to register the same based upon the objection letter dated 26.07.2016 said to have been given by one Rajmohan on 02.01.2017. Aggrieved against the same, the petitioners have filed an appeal under Section 72 of the Registration Act before the first respondent for registration of the memorandum of title deed dated 09.12.2016. The first respondent, vide its order dated 29.05.2017 confirmed the order passed by the third respondent. Challenging the said order passed by the first respondent, the petitioners have filed the present writ petition before this Court.



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3. When the matter is taken up for hearing, the learned counsel for the petitioners submitted that admittedly there was a civil dispute between the parties. After conclusion of the dispute, this Court may grant liberty to make a fresh application before the concerned authorities for registration.

4. In view of the fair submission made by the learned counsel for the petitioners, this Court, without going into the merits of the case, directs the petitioners as well as counter parties, to make an appropriate application along with the relevant documents and also a copy of the decree before the third respondent after conclusion of the civil suit.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Rli

Index: Yes/No



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M.DHANDAPANI, J.

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To

1. The Inspector General of Registration,
No.7, Santhome High Road, Chennai-4.
2. The Deputy Inspector General Registration,
(Administration), South,
Chennai, Saidapet, Chennai-15.
3. The Sub Registrar,
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