



W.P.(MD)Nos.9032 and 9098 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P.(MD)Nos.9032 and 9098 of 2022 and
W.M.P.(MD)Nos.6487 and 6587 of 2022**

S.Kannathal

... Petitioner in
W.P.(MD)No.9032 of 2022

K.N.Singaram

... Petitioner in
W.P.(MD)No.9098 of 2022

Vs.

1. The District Registrar,
Sivagangai District,
Sivagangai.

2. The Joint Registrar - II,
Karaikudi,
Karaikudi District.

3. The District Collector,
Sivagangai District,
Sivagangai.

... Respondents
in both W.Ps'

(R3 is *suo motu* impleaded vide Court order dated
20.06.2022 in W.P.(MD)Nos.9032 and 9098 of 2022
by GRSJ)



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PRAYER in W.P.(MD)No.9032 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus calling for records of the impugned order dated 03.02.2022 bearing Registration No.RFL/2 Joint Registrar Office/book2/1 passed by the second respondent, consequentially to direct the second respondent to register the petitioner's sale deed dated 03.02.2022 for the property situated in S.No.65/61, Sub-S.No.65/66, Plot No.59, Kazhani Vaasal Village, Sangarapuram Panchayat, Saakottai Union, Karaikudi Taluk, Sivagangai District with an extent of 2400 Sq.ft. and quash the same.

PRAYER in W.P.(MD)No.9098 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus calling for records of the impugned order dated 03.02.2022 bearing Registration No.RFL/2 Joint Registrar Office/book2/2 passed by the second respondent, consequentially to direct the second respondent to register the petitioner's sale deed dated 03.02.2022 for the property situated in S.No.65/61, Sub-S.No.65/66, Plot No.58, Kazhani Vaasal Village, Sangarapuram Panchayat, Saakottai Union, Karaikudi Taluk, Sivagangai District with an extent of 2400 Sq.ft. and quash the same.

For Petitioner

in both W.Ps' : Mr.S.Madhavan

For Respondents

in both W.Ps' : Mr.K.S.Selva Ganesan
Additional Government Pleader



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COMMON ORDER

When the petition mentioned sale deed was presented, the Registering Authority declined to register the same on the ground that they have been entered in the prohibitory index. Questioning the refusal check slips, these Writ Petitions have been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioners drew my attention to the order dated 26.04.2016 passed by the Hon'ble Division Bench in W.P.(MD)No.13103 of 2014 which has been categorically mentioned in the said order that the ban referred to by the Registering Authority since has been withdrawn and the Registering Authority was directed to register the documents. The case on hand is squarely covered by the aforesaid order. It is also stated by the learned counsel for the petitioners that this order has been followed in number of subsequent cases.



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3. The learned Additional Government Pleader appearing for the respondents would point out that even though the ban has been lifted, which has not been entered in the office of the Sub Registrar.

4. This cannot be a ground for refusing to register the petition mentioned sale deed. Therefore, the impugned refusal check slips are quashed and the Writ Petitions are allowed. The Registering Authority / second respondent is directed to register the petition mentioned sale deed of course subject to fulfilment of the usual formalities. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.07.2022

Index : Yes / No

Speaking Order : Yes / No

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G.R.SWAMINATHAN, J.

vji

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