



W.P.(MD)No.12280 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12280 of 2022

M.Selvi

... Petitioner

Vs

1.The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Periyakulam,
Theni District.

2.Subashini

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip given by the first respondent vide Refusal Number: RFL/Bodinayakkanur/7/2022 dated 20.04.2022 and set aside the same as illegal and consequently, direct the first respondent to register the sale deed presented by the petitioner.

For Petitioners : Mr.R.Gandhi

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R.1

Mr.N.Vallinayagam for R.2



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ORDER

Heard the learned counsel on either side.

2. The writ petitioner executed a petition mentioned sale deed. When it was presented for registration before the first respondent, the first respondent refused to register the document by citing the pendency of civil appeal. It is true that the property covered under the sale deed is subject matter of the said civil appeal.

3. It is seen that the petitioner is not a party to the said civil proceedings. There is also no injunction order restraining the registering authority from registering any document pertaining to the suit schedule property. When there is no injunction order operating against any person, the first respondent was not justified in declining to register the document. The reason set out in the impugned refusal check slip is clearly unsustainable. It stands quashed. The petitioner is permitted to represent the document before the first respondent. The first respondent is directed to entertain the same and register it subject to the fulfilment of other formalities.



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4. This writ petition is allowed. No costs.

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13.07.2022

Index : Yes / No

Internet : Yes/ No

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To

The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Periyakulam,
Theni District.



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G.R.SWAMINATHAN, J.

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