



W.P(MD)No.23069 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23069 of 2021

V.Sivaraman

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Krishnarayapuram,
Karur District.

2.Monisha Devi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip dated 16.12.2021 for the document presented by the petitioner to register an extent of 9.5 Cents in S.F.No.922/2A1A and 2.5 cents in S.F.No.922/2A1C situated at Old Jeyankondam Town Panchayat, Mahathanapuram Thenpagam Village, Krishnarayapuram Sub Register Office, Karur District in the 1st respondent office, quash the same and consequently direct the 1st respondent to register and return the document to the petitioner as per the Registration Act 1908, within time frame.



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For Petitioner : Mr.AN.Ramanathan,
For Mr.M.Suresh.

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1.
Mr.C.M.Arumugam for R2.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants to purchase the petition mentioned property. The first respondent had declined to entertain the sale deed primarily on the ground that the second respondent has filed a partition suit. There is no dispute that the second respondent has not been successful in obtaining any restraint order. The case of the writ petitioner is that therefore the first respondent is not justified in proceeding with the matter. That led to the filing of the present writ petition.

3.When the matter was taken up for hearing, the learned counsel for the petitioner through his counsel undertook before this Court that a supplementary document will be executed and registered along with the petition mentioned sale deed in which it will be clearly mentioned that the petitioner is aware of the partition suit filed by the second respondent and that the petition mentioned



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sale transaction will subject to and will abide by the final outcome of the said partition suit. The said undertaking is recorded.

4.In this view of the matter, the impugned refusal check slip is quashed and the petitioner is permitted to re-present the petition mentioned sale deed along with the aforesaid supplementary deed. The first respondent shall receive the same and register and release it subject to fulfilment of other usual formalities.

5.The writ petition is allowed on these terms. No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No
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To:

The Sub Registrar,
Registration Department,
Krishnarayapuram,
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G.R.SWAMINATHAN, J.

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