



W.P.Nos.4267 and 4365 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.4267 and 4365 of 2023

Indhira Petitioner in both the W.Ps.

-Vs-

1.The Sub Registrar
Valigandapuram Sub Registrar Office
Perambalur District.

2.Palanivel Respondents in both the W.Ps.

Prayer in W.P.No.4267 of 2022 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip No.RFL/Valigandapuram/29/2022 dated 18.07.2022 of the 1st respondent and quash the same and consequently direct the 1st respondent to register the settlement deed dated 18.07.2022 which was presented by the petitioner.

Prayer in W.P.No.4365 of 2022 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip No.RFL/Valigandapuram/30/2022 dated 18.07.2022 of the 1st respondent and quash the same and consequently direct the 1st respondent to register the settlement deed dated 18.07.2022 which was presented by the petitioner.



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In Both W.Ps.

For Petitioner : Ms.K.Dhivyashree
for Mr.M.Vijaya Ragavan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

Since the issue raised in both the writ petitions is common, with the consent of the learned counsel for both sides, the writ petitions were heard together and disposed of by this common order.

2. In these writ petitions, the petitioner had filed document of settlement deed as well as sale deed respectively before the 1st respondent Sub Registrar for registration. However, the same has been refused for registration and refusal check slips in this regard had been issued in both the cases by the 1st respondent on 18.07.2022. Challenging the same, the present writ petitions have been filed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. In view of the order that is going to be passed in these writ petitions, notice to the 2nd respondent is hereby dispensed with.



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4. In both the cases, the impugned refusal check slips state that there has been a suit filed and it is pending before the concerned civil Court and because of the pendency of the said suit in both the cases, the 1st respondent has refused to accept the documents for registration. In both the cases, the same suit viz., O.S.No.2 of 2021 on the file of the District Court, Perambalur has been shown as the reason for non-acceptance of the documents for registration.

5. In this context, the learned Special Government Pleader also would agree with the legal position that has already been reported in **2021 (1) CTC 535 "Vadamugam Vellode Nalukarai Nattu Goundergal Sangam Vs. Inspector General of Registration and Others"**, where it was held that, mere pendency of suit will not preclude the registering authority from entertaining the documents for registration if the documents are otherwise in order within the meaning of the provisions of the Registration Act. Only if there is any prohibitory order issued by the Civil Court and that is produced by the parties before the registering authority, saying that the registering authority has been restrained by the civil Court from registering any document pertaining to the property in question, such registering authority can be precluded from registering such documents.



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6. Therefore, mere pendency of the suit cannot preclude the registering authority from registering any document and hence this Court has no hesitation to hold that the reason stated in the impugned refusal check slips would not stand in the legal scrutiny and it is liable to be interfered with.

7. In the result, the writ petitions are allowed and following orders are passed in these writ petitions.

- That the impugned refusal check slips in RFL Valigandapuram/29/2022 and RFL Valigandapuram/30/2022 dated 18.07.2022 are hereby set aside, and the matter is remitted back to the 1st respondent for reconsideration.
- While reconsidering the same, the 1st respondent shall examine the documents which are presented by the petitioner for registration and accordingly do the needful for registering the documents if the documents are otherwise in order.
- In this context, the right of the 2nd respondent can very well be decided before the Civil Court, where the civil suit has already been filed and it is pending.



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- The needful as indicated above shall be undertaken by the 1st respondent Sub Registrar in both the cases within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

14.02.2023

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

The Sub Registrar
Valigandapuram Sub Registrar Office
Perambalur District.



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R. SURESH KUMAR, J.

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