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WP No.6330 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.6330 of 2023

M/s.Capitalone Housing and Infrastructure
Development Private Limited,
Represented by its Power Agent,
Mrs.P.Padmavathy, having its Registered
Office at No.4/33, Krishna Street,
T.Nagar,
Chennai-600 017.

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar,
Chennai South District,
Chennai.

3.The Sub Registrar,
Kundrathur,
Chennai.

4.Mr.K.Gunasekaran

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Refusal Check Slip in RFL/Kundrathur/6/2023 dated 14.02.2023 issued by the third respondent and quash the same as being illegal, arbitrary and contrary to the provisions of law and consequently direct the third respondent to register the Sale Deed dated 06.02.2023 executed by the petitioner-Company in favour of Mrs.P.Padmavathy in respect of the lands comprised at No.64, Kavanoor Village, formerly Sriperumbudur Taluk, now Pallavaram Taluk, Kancheepuram District comprised in Survey No.235/1A measuring 1 Acre or thereabouts.

For Petitioner : Mr.K.V.Babu

For Respondents-1 to 3 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-4 : Mr.A.Kumar

ORDER

The Refusal Check Slip dated 14.02.2023 issued by the third respondent, is under challenge in the present writ petition.



2. The petitioner, which is a Housing and Infrastructure Development Private Limited Company, presented a Sale Deed for registration.

3. The fourth respondent admittedly, is the original owner of the subject property and he executed the Power of Attorney in favour of the petitioner-Company.

4. Based on the Power of Attorney document, a Sale Deed was presented for registration.

5. The learned counsel for the petitioner mainly contended that the Refusal Check Slip was issued on the ground that the petitioner has failed to produce the Life Certificate of the fourth respondent.

6. It is brought to the notice of this Court that the fourth respondent himself was present before the Sub Registrar at the time of presentation of the Sale Deed by the petitioner for registration.



7. In view of the facts, the learned counsel for the petitioner reiterated that by asking the petitioner to produce the Life Certificate became meaningless, since the fourth respondent was present at the time of presentation of the document and raised an objection by stating that he has not issued the Life Certificate.

8. It is not in dispute between the parties that civil suit in OS No.121 of 2019 has been instituted challenging the Power of Attorney on the file of the District and Sessions Court II, Kancheepuram. An ex parte decree was passed in the suit and the said ex parte decree was also registered by the petitioner before the Sub Registrar is pending.

9. However, the learned counsel for the fourth respondent raised an objection by stating that the fourth respondent has already filed another litigation by filing an application in Interlocutory Application i.e., IA No.7 of 2023. Till such time, an ex parte decree passed in IA No.7 of 2023 to condone the delay in filing the petition to set aside ex parte decree along with the Interlocutory Application.



10. The written statement is sought to be filed as against the demolition list on 06.06.2023 and posted for filing counter for hearing on 07.08.2023.

11. Therefore, in the event of registering the document at this juncture, it would cause greater prejudice to the interest of the fourth respondent.

12. The learned counsel for the petitioner contended that the conduct of the fourth respondent is also to be taken into consideration by this Court. The petitioner has narrated several instances to establish conduct of the fourth respondent. However the writ proceedings need not check these disputed issues between the parties and it is for the Authorities to establish their case before the Competent Civil Court of Law, wherein the suit is already pending.

13. All such counter-allegations suo motu placed before the Civil Court for effective adjudication of the civil suits rights of the parties are to be crystallised. In the event of creating further interference would



result in production of certified document to either of the parties.

14. Therefore, it is not prerogative to interfere with the order passed by the third respondent at this point of time. The petitioner as well as the fourth respondent, who are all at liberty to adjudicate the suits on merits and in accordance with law and accordingly redress their grievances.

15. The learned District and Sessions Court, Kancheepuram requested to dispose of the same in accordance with law.

16. Accordingly, the present writ petition stands disposed of. However there shall be no order as to costs.

07-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.

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