



WEB COPY

W.P.No.18238 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18238 of 2023

A.Karivardhan

... Petitioner

Vs.

The Sub Registrar,
Chetpet,
Thiruvananthapuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, to call for the records relating to the impugned refusal check slip RFL/Chetpet/21/2023 dated 11.04.2023 issued by the respondent and quash the same and further direct the respondent to register the sale deed which was presented on TP/141782202/2023 on 11.04.2023 before the respondent.

For Petitioner

: Mr.R.Raghul

For Respondent

: Mr.D.Ravichander

Special Government Pleader



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ORDER

The refusal check slip issued by the respondent in proceedings dated 11.04.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that he has purchased the subject property and he has presented a sale deed for registration. The document was returned on the ground that a Civil Suit instituted by one Mr.Duraisamy Gounder was pending and therefore, the Sub Registrar cannot proceed with the registration.

3. The learned counsel for the petitioner brought to the notice of this Court that the said Suit instituted by Mr.Duraisamy Gounder was dismissed. That apart, the pendency of a Suit is not a bar for registering a document and such registration can be refused only in the event of an order from the Competent Court of Law.

4. In the present case, there is no such order passed by the Civil Court restraining the Registering Authority from registering a document. More so the learned counsel for the petitioner states that the Suit instituted had already been dismissed.



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5. In view of the facts and circumstances, the order impugned passed by the respondent in refusal check slip RFL/Chetpet/21/2023 dated 11.04.2023 is quashed and the respondent is directed to proceed with the registration, if the document presented by the writ petitioner is otherwise in accordance with the provisions of the Act and Rules. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands allowed. No costs.

07.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Sub Registrar,
Chetpet,
Thiruvanamalai District.



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S.M.SUBRAMANIAM, J.

Jeni

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