



WEB COPY

W.P.No.22981 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22981 of 2023

K.P.Mahendran

... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai – 28.

2.The District Registrar,
Office of the District Registrar,
Namakkal District.

3.The Sub Registrar,
Pallipalayam,
Namakkal District.

... Respondents

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 impugned check slip issued by the respondent dated 08.06.2023 vide RFL/Pallipalayam/37/2023 and quash the same as illegal and consequently direct the respondent to register the document presented by the petitioner within a time frame to be fixed by this Court.



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For Petitioner

: Mr.A.Raja Kumar

For Respondents

: Mr.T.Venkatesh Kumar
Special Government Pleader

ORDER

The refusal check slip issued by the 3rd respondent in proceedings dated 08.06.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that he is the absolute owner of the property bearing survey No.169/5 to an extent about Punja Hectare ares 2.77 in Patlur Kavundampalayam Village and Tiruchengode Taluk, Namakkal District. The petitioner presented a sale deed for registration before the 3rd respondent, who in turn returned the document along with the impugned refusal check slip on the ground that the civil suit in O.S.No.250 of 2020 is pending before the Sub Court, Tiruchengode.

3. The learned counsel for the petitioner made a submission that the petitioner is not even a party to the Civil Suit, which is pending on the file of Sub Court, Tiruchengode. The petitioner has enclosed the online case status in respect of the O.S.No.250 of 2020, which is pending for the past about 3



years. Even in case, the petitioner is a party in Civil Suit, mere pendency is not a bar for the Registering a document under the provisions of the Registration Act.

4. If at all the Civil Court passed an order on prohibition for any such registration, then alone the registering authority is empowered to refuse the document and the Registering Authority has no power to refuse registration in the absence of any order from the Civil Court of Law. Mere inclusion of Sub Registrar as party in the suit is not an impediment for registering a document. It is for the parties to obtain an order of prohibition before the Competent Civil Court of law for the purpose of refusal of registration and in the present case, no such order has been passed and therefore, reason given by the Registering Authority is not in consonance with the provision of the Registration Act.

5. Accordingly, the order impugned passed by the 3rd respondent in refusal check slip dated 08.06.2023 vide RFL/Pallipalayam/37/2023 is quashed and the registering Authority is directed to proceed with the registration, if the document presented by the petitioner is otherwise in accordance with law and under 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.

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

04.08.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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