



W.P(MD)No.2928 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2928 of 2023

K.Ramaraj

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

2.The Sub Registrar,
Panthalgudi,
Aruppukkottai Taluk,
Virudhunagar District.

3.Subburaj

4.Ramamoorthy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in RFL/Panthalgudi/3/2023 dated 08.02.2023 and to quash the same as illegal and consequently directing the 2nd respondent to register and release the sale deed dated 05.01.2023 forthwith for the properties situated in 1) Survey No.1177/4 to an extent of 0.05.0 Hectares, 2) Survey No.1186/2 to an extent of 0.33.0



W.P(MD)No.2928 of 2023

3) Survey No.587/1 to an extent of 1.34.50 Hectares, 4) Survey No.609/4 to an extent of 0.76.0 Hectares, 5) Survey No.611/4 to an extent of 0.33.0 Hectares, 6) Survey No.613/1 to an extent of 0.49.50 Hectares at Chettikurichi, Aruppukkottai Taluk, Virudhunagar District.

For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2. Issuance of notice to the respondents 3 and 4 is dispensed with.

2.The petitioner presented the petition mentioned document for registration before the second respondent. The second respondent citing the pendency of O.S.No.7 of 2023 on the file of Sub Court, Aruppukkottai declined to register the document. This approach of the second respondent cannot be correct. If there is any restraint order, of course the registering authority cannot register a document. If there is no restraint order and all the parameters are fulfilled, the registration cannot be refused.



W.P(MD)No.2928 of 2023

3. In this view of the matter, the refusal check slip impugned in this writ petition is set aside and the petitioner is permitted to re-present the document.

Considering the special facts and circumstances, before registering the document, the second respondent will issue notice to the respondents 3 and 4 and any other interested persons, if any. After hearing the objections on either side, the second respondent will take a call in the matter. I make it clear that I have only found the reason set out in the impugned refusal slip as incorrect. I have not gone beyond.

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

14.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

2. The Sub Registrar,
Panthalgudi,
Aruppukkottai Taluk,
Virudhunagar District.



WEB COPY



W.P(MD)No.2928 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.2928 of 2023

14.02.2023