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W.P.(MD)NO.9100 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9100 of 2022 AND
W.M.P.(MD)No.6518 of 2022

P.Piliyan

... Petitioner

Vs.

1. The District Registrar,
Madurai South,
Madurai District.

2. The Joint Sub Registrar,
Madurai South,
Madurai District.

3. Chinnamuthu
(R-3 is suo motu impleaded
vide order dated 13.06.2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in மறுப்பாணை எண்.5/2021 (நிலுவை ஆவண எண்.116/2021 passed by the second respondent dated 27.09.2021 by confirming the check slip of the first respondent in Mu.Mu. No.6714/A1/2021 dated 20.10.2021 and to quash the same and consequently to direct the second respondent to forthwith register the sale deed dated 22.07.2021 pending document No.116/2021.



For Petitioner : Mr.Arjun,
for M/s.N.Vallinayagam.

For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.

For R-3 : Mr.S.M.Anantha Murugan

* * *

ORDER

Heard both sides.

2. The petitioner presented the petition-mentioned document for registration. Citing the pendency of O.S.No.2 of 2020 on the file of the District Munsif, Madurai Taluk, the registering authority declined to register the document. He issued refusal check slip. Questioning the same, the petitioner filed an appeal before the first respondent. The first respondent also endorsed the stand taken by the registering authority. Challenging the same, the present writ petition came to be filed.

3. The stand of the third respondent is that the petitioner lacks title to deal with the property. However, the writ Court is



not competent to go into this issue. Admittedly, the third respondent has filed a civil suit for enforcing his rights. Patta however stands in the name of the petitioner. The third respondent has not obtained an interim order in his favour and that there is no restraint order against registration.

4. The registering authority cannot decline to register the document. Therefore, the order impugned in this writ petition is set aside. The petitioner is permitted to re-present the document and the same shall be received, registered and released by the second respondent subject to fulfillment of the other usual formalities.

5. I make it clear that the rights of the parties will be governed by the outcome of the civil suit instituted by the third respondent. With this observation, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

G.R.SWAMINATHAN,J.



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4

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PMU

To:

1. The District Registrar,
Madurai South,
Madurai District.
2. The Joint Sub Registrar,
Madurai South,
Madurai District.

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