



W.P(MD)No.9519 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9519 of 2023
and
W.M.P(MD) No.8490 of 2023

D.Balan

... Petitioner

Vs.

The Sub Registrar
K.Sathanur Sub Registrar Office,
Trichy,
Trichy District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Letter issued by the Respondent in Na.Ka.No.300/2022 dated 30.09.2022 and quash the same and thereby direct the Respondent to register Sale Deed executed by the I Additional District Judge (PCR), Trichy.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.M.Prakash

Additional Government Pleader



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ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the refusal check slip in Na.Ka.No. 300/2022 dated 30.09.2022 issued by the respondent herein / Sub Registrar, K.Sathanur Sub Registrar Office, Trichy. The petitioner had purchased the property under Court auction. He thereafter, presented the sale deed for registration. The respondent had issued the letter which is impugned stating that there is an earlier order of attachment.

2. However, the sale deed of the petitioner, should be examined first to determine whether adequate stamp duty has been paid and registration charges have been paid. If title stands transferred by the auction sale, then the sale deed should be registered.

3. The learned counsel for the petitioner stated that a similar view had been taken by a learned Single Judge in *W.P.No.2758 of 2023*, in *The Federal Bank Ltd., Rep. by its Senior Manager, LCRD*,



W.P(MD)No.9519 of 2023

Coimbatore Division, No.21, Variety Hall Road, Coimbatore 641001. Vs.

The Sub Registrar, Pollachi and others, by an order dated 08.02.2023.

4. The letter impugned is set aside and the matter is remitted back to the respondent who may examine the purport of the aforementioned order, the copy of which may be produced by the petitioner herein and thereafter, proceed to register the document if it is otherwise in order. Let the process be done in accordance with law.

5. The Writ Petition stands allowed. The entire exercise may be completed including presentation of the document and registration of the document within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

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

RM



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To

The Sub Registrar
K.Sathanur Sub Registrar Office,
Trichy,
Trichy District.



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C.V.KARTHIKEYAN, J.

RM

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24.04.2023