



W.P.(MD)No.22013 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.22013 of 2020

R.Yokesh

...Petitioner

Vs.

1.The Sub-Registrar,
Lalgudi Sub-Registrar Office,
Bharathi Nagar, Lalgudi,
Trichy District.

2.Chinnathambi.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Check Slip given by the first respondent vide Refusal Number: RFL/Lalgudi/220/2022 dated 07.09.2022 and set aside the same as illegal and consequently direct the first respondent to register the sale deed presented by the petitioner.

For Petitioner :Mr.J.Karthikeyan

For Respondents :Mr.M.Prakash
Additional Advocate General for R1
:Mr.J.Lenin Kumar for R2



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ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with the refusal check slip issued by the first respondent / The Sub Registrar, Lalgudi Sub-Registrar Office, Bharathi Nagar, Lalgudi, Trichy District. On 07.09.2022, when the petitioner had presented a sale deed for registration.

2. The petitioner had sought to purchase the property at Survey No.261/1 measuring 35 cents at Sathamangalam Village, Lalgudi Taluk, Trichy, from one Periyakkal. Incidentally, she happened to be the wife of the second respondent, Chinnathambi. Between the two of them, there were disputes. This moved over to the Sub- Court, Lalgudi. The second respondent herein had filed a suit in O.S.No.34 of 2022 against his wife Periyakkal and the Sub Registrar, Lalgudi Sub Registrar Office. In that suit, he had sought a declaration of title with respect to the suit scheduled property and for permanent injunction restraining the properties being alienated. No interim order has been granted in the Sub Court.



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3. In the meanwhile, Periyakkal had taken a decision to convey the property to the petitioner herein. When the document was presented, it was refused to be received only on the ground that suit was pending. Section 22 A of the Registration Act 1908, gives specific instances when a document could be refused to be registered. Primarily, if there adequate stamp papers and registration charges have been paid, then there is no impediment for the registering authority to register the document. At the most, under Section 52 of the Transfer of Properties Act, 1882, leave must be obtained by the petitioner. The second respondent may work out his remedies, in the suit. The first respondent is directed to register the document if it is otherwise in order.



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4. Accordingly, this writ petition stands allowed. There shall be no order as to costs. The petitioner shall present the document after following due process. If it is so presented, registration to be effected.

28.04.2023

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

To

The Sub-Registrar,
Lalgudi Sub-Registrar Office,
Bharathi Nagar, Lalgudi,
Trichy District.



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C.V.KARTHIKEYAN, J.

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