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W.P.(MD)No.18292 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Writ Petition (MD) No.18292 of 2015
and MP.(MD) Nos.1 and 2 of 2015

K.Palanisamy

.... Petitioner

-Vs-

1.The District Registrar
Registration Department
Karur District, Karur.

2.The Joint Sub Registrar
No.2, Joint Sub Registrar Office
Karur.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings passed by the 2nd respondent in Check Slip dated 07.07.2015 and quash the same and consequently direct the 2nd respondent to register the sale deed of the petitioner dated 01.07.2015.

For Petitioner : Mr. S.Karthik

For Respondents : Mr. S.R.A.Ramachandran
Additional Government Pleader



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ORDER

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Heard the learned counsel on either side.

2. The petitioner claims to have purchased the petition mentioned land from one Nagelsamy. Sale deed dated 01.07.2015 was presented for registration before the second respondent. The second respondent declined to register the document and issued the impugned Refusal Check Slip dated 07.07.2015. Challenging the same, the present writ petition came to be filed. The impugned check slip reads that, in respect of the petition mentioned land since litigation is pending before the Madurai Bench of the Madras High Court, it is not possible to register the document.

2. As rightly pointed out by the learned counsel for the petitioner, the impugned Refusal Check Slip is bereft of the necessary particulars; it is rather vague. The case number has not been mentioned. That apart, as pointed out by the petitioner's counsel only if there is restraint order from the jurisdictional Court, the authority can decline to register the document. It is not known to the second respondent whether any injunction order has been passed.

3. Hence, the impugned refusal check slip is set aside. The writ petition is allowed and the petitioner is permitted to resubmit the sale deed before the second



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respondent. It is for the second respondent to take a call as regards the registration on merits and in accordance with law. Consequently, connected miscellaneous petitions are closed.

23.08.2023

Index : Yes/No
Internet : Yes/No
KST

To

- 1.The District Registrar
Registration Department
Karur District, Karur.
- 2.The Joint Sub Registrar
No.2, Joint Sub Registrar Office
Karur.



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G.R.SWAMINATHAN, J.

KST

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