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W.P.(MD)NO.24458 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24458 of 2023

Chellamuthu

... Petitioner

Vs.

The Joint-II Sub Registrar,
Sivagangai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check-slip issued by the respondent in RFL/2 எண் இணை சார்பதிவாளர் சிவகங்கை /3/2023 dated 17.07.2023 quash the same and consequently directing the respondent to register the document which was presented by the petitioner.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.K.Balasubramani,
Special Government Pleader.
* * *

ORDER

Heard both sides.

2. The petitioner wanted to sell the petition-mentioned property. The sale deed was presented for



registration on the ground that the encumbrance certificate reflects mortgage. The registration was refused. Challenging the same, the present writ petition came to be filed.

3. The issue raised in the writ petition is no longer res integra. The Hon'ble Division Bench in the decision reported in **2020 6 CTC 697 (Ramayee V. Sub-Registrar)** had held that the fact that the executant of the document had also entered into a sale agreement or mortgage deed will not operate as bar for entering into subsequent transactions.

4. Respectfully following the aforesaid decision, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document in question before the registering authority. The registering authority shall receive it, register and release the same subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

19.12.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

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To:

The Joint-II Sub Registrar,
Sivagangai.



WEB COPY



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G.R.SWAMINATHAN,J.

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