



W.P(MD)No.28028 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28028 of 2023

M.Gnanasekaran

... Petitioner

Vs.

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

2.The Sub-Registrar,
Joint II Sub-Registrar Office,
Dindigul District.

3.Angalaeaswari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to issue necessary direction to the 2nd respondent to register the document which would be presented by the petitioner for registration in respect of the property in S.No. 2622/1B1, 2622/1B2 Bound No.22, Vacant land situated at Agaram Village, Dindigul District measuring an extent of 4099 Sq.Ft 380.81 Sq.Metter by following the guidelines framed by the Inspector General of Registration, Chennai vide Circular in Na.Ka.No. 39708/C1/2018 dated 04.10.2018 by considering the petitioner's representation dated 20.11.2023.



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For Petitioner : Mr.M.Iniyavan

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for R1 & R2. Issuance of notice to R3 is dispensed with.

2. The petitioner has purchased the petition mentioned property from one Chithradevi. The sale deed was presented for registration before the second respondent. It appears that there is a dispute between the petitioner's vendor and the third respondent. The third respondent has filed a recovery suit also. The third respondent has parallely send a protest petition to the second respondent. In view of the same, the second respondent is not entertaining the petition mentioned sale deed. That led to filing of this writ petition.

3. IG of Registration has issued the circular vide Na.Ka.No. 39708/C1/2018, dated 04.10.2018. The second respondent will have to dispose of the matter in the light of the instructions contained in the said circular. If all the other requirements are fulfilled, the second respondent cannot deny or defer registration, merely because the protest petition has been lodged by the third respondent. Of-course, if a restraint order is received from the jurisdictional civil Court, then, the registering authority is bound by the same. So long as there is no restraint order, the second respondent will have to act as per law.



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4. With this direction to the second respondent, the Writ Petition is disposed of. No costs.

28.11.2023

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 30.11.2023

To

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

2. The Sub-Registrar,
Joint II Sub-Registrar Office,
Dindigul District.



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G.R.SWAMINATHAN, J.

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