



W.P(MD)No.30316 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30316 of 2023

Deepa

... Petitioner

Vs.

1.The Sub Registrar,
Chathirapatti,
Dindigul District.

2.Pottampatti Aganda Paripurana Sachidhanantha Saba,
Represented by its President,
Sivaraj,
S/o.Theetha Gounder,
Pottampatti, Kanakkanpatti Village,
Palani Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip issued by the first respondent in Refusal Number RFL/Chathrapatti/36/2023 dated 09.11.2023 and quash the same as illegal, consequently direct the first



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respondent to register the draft sale deed dated 06.11.2023 presented by the petitioner for registration on 09.11.2023 in respect of the properties in Survey No.572/2A1 with an extent of 28 cents and Survey No. 572/2B1 with an extent of 1 acres 54 cents situated at Kanakkanpatti Village, Palani Taluk, Dindigul District, by conducting an enquiry U/s. 22A of the Registration Act within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent.

2.The petitioner had presented the petition mentioned sale deed for registration. On the ground that the second respondent has raised objections, the registration was refused. Challenging the same, the present writ petition has been filed.



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3. Without hearing the second respondent, I cannot set aside the impugned refusal check slip. At the same time, I must note that merely because a third party has raised objection, the registering authority could not have refused registration. Circular dated 04.10.2018 issued by the Inspector General of Registration is very clear. The objector must have obtained a restraint order from the competent Court. In this case, the second respondent has not obtained any such order.

4. I therefore permit the petitioner to resubmit the document in question. The first respondent will issue notice to the second respondent. The second respondent will be given reasonable time of six weeks indicating that if restraint order is not obtained, the document presented by the petitioner will be registered. Of course, this does not mean that whatever document is submitted by the petitioner should be registered. The first respondent will satisfy himself or herself that the petitioner is entitled to present the document for registration subject to fulfilment of other usual formalities. If the second respondent is unable to get a restraint order within time limit mentioned by the first respondent in his /



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her notice, the document will be registered and released subject to the usual formalities.

5.This writ petition is allowed on these terms. There shall be no order as to costs.

19.12.2023

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

To

The Sub Registrar,
Chathirapatti,
Dindigul District.



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G.R.SWAMINATHAN, J.

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