



WEB COPY

W.P. No.2463 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2463 of 2024 and
W.M.P. No.2696 of 2024

R.Selvamani

... Petitioner

Vs.

1. The District Registrar
Ariyalur
Ariyalur District

2. The Sub Registrar
Sub Registration Office
Vikramangalam
Ariyalur District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the record pertaining to the impugned order bearing Refusal Number:RFL/ Udayarpalayam/135/2023 dated 21.12.2023 passed by the 2nd respondent is illegal and quash the same, consequently directing the 2nd respondent to register the petitioner document bearing Temporary No.TP/168994651/2023 dated 20.12.2023.

For Petitioner : Mr.M.Bharath

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

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This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the record pertaining to the impugned order bearing Refusal Number:RFL/ Udayarpalayam/135/2023 dated 21.12.2023 passed by the 2nd respondent is illegal and quash the same, consequently directing the 2nd respondent to register the petitioner document bearing Temporary No.TP/168994651/2023 dated 20.12.2023.

2. The petitioner had intended to purchase a property belongs to one Panneerselvam and hence, the petitioner's vendor executed a sale deed in favour of the petitioner on 20.12.2023 and he presented the sale deed before the 2nd respondent on 21.12.2023 for registration whereas, the 2nd respondent refused to register the same and issued the said refusal check slip stating that a suit in O.S.No.188 of 2022 on the file of the Sub Court, Ariyalur is pending in respect of the said property and that the Sub Registrar has also been impleaded as a party to the said suit. The contention of the petitioner is that one Mrs. Annamayil has filed the said suit for partition among their families and without any valid reason, she has implead the respondents herein as parties to the suit and that the petitioner and his vendor are no way connected with the said suit. Though the petitioner explained the same, the



2nd respondent passed the impugned refusal check slip. Hence, the present Writ Petition is filed. The learned counsel also produced a copy of an interlocutory application filed in the said suit to show that the petitioner and his vendor are no way connected with the said suit.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents.

4. Heard both sides and perused the materials available on record.

5. It is seen that the Sub Registrar/2nd respondent herein is also a party to the said suit wherein he has been arrayed as 9th defendant. Since the Sub Registrar/2nd respondent is also a party to the suit filed in respect of the subject property which is admittedly pending, he refused to register the document and passed the refusal check slip. A perusal of the said interlocutory application shows that the parties in the said suit have not been shown as parties in this writ petition and it seems that the petitioner has purposefully not impleaded the rival claimants/interested parties to this petition.

6. However, the petitioner is at liberty to give a representation before



the 2nd respondent and on receipt of the same, the 2nd respondent shall issue notice to the petitioner and also to the interested parties/rival claimants/objectors if any as the case may and conduct enquiry in the manner known to law and if the petitioner is otherwise entitled and the document is otherwise in order and if the 2nd respondent is not prohibited by the order of any of the Civil Court, he shall register the document by following the Registration Rules and pass orders on merits and in accordance with law.

7. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

05.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Registrar
Ariyalur
Ariyalur District
2. The Sub Registrar
Sub Registration Office
Vikramangalam
Ariyalur District

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P.VELMURUGAN. J.

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