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W.P.Nos.2906 and 2909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.2906 and 2909 of 2024

J. Hemalatha

...Petitioner in both petitions

VS.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar (Admin.)
District Registrar Office,
M. V. Street,
Veera Raghva Nagar,
Thiruvallur District – 602 001.

3.The Sub Registrar,
Joint I – Sub Registration Office,
No.201, J N Road,
Taluka Office Compound,
Thiruvallur – 602 001.

...Respondents in both petitions

4. Paul Benjamin
5. R. Gunasekar

...4th and 5th respondents
in W.P.No.2906 of 2024



4. K. Vasumathi
5. Rekha
6. R. Gunasekar

...Respondents 4 to 6
in W.P. No.2909 of 2024

Prayer in W.P.No.2906 of 2024 : Writ Petition is filed under Article 226 of Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd respondent in Refusal No.RFL/20/2023, dated 13.12.2023, quash the same as illegal and consequently direct the respondents 1 to 3 to register the Sale Deed dated 30.11.2023 presented by the petitioner for registration on 30.11.2023 in respect of the Plot Nos.15 measuring an extent of 2000 sq. ft. situated at No.86, Nathamedu Village, Pakkam 'B", Thiruvallur District covered under Patta No.7453 and as per Patta New Sub Division S.No.851/9 and to return the Registered Sale Deed to the 4th respondent.

Prayer in W.P.No.2909 of 2024 : Writ Petition is filed under Article 226 of Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd respondent in Refusal No.RFL/21/2023, dated 13.12.2023, quash the same as illegal and consequently direct the respondents 1 to 3 to register the Sale Deeds, dated 30.11.2023 presented by the petitioner for registration on 30.11.2023 in respect of the Plot Nos.16 and part of Plot No.17 ad-measuring an extent of 3200 sq. ft. situated at No.86, Nathamedu Village, Pakkam 'B", Thiruvallur District covered under Patta No.7453 and as per Patta New Sub Division S.No.851/9 and to return the Registered Sale Deed to the 4th and 5th respondents.



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For Petitioner : Mr.V.Srinivasa Babu
in both petitions

For Respondents : Mr.U. Baranidharan
Additional Government Pleader
for R1 to R3

No appearance for R4 and R5
in W.P. No.2906 of 2024

No appearance for R4 to R6
in W.P. No.2909 of 2024

COMMON ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2.Challenge has been made to the refusal checkslips issued by the respondents on the ground that third party has made a protest petition.

3. It is the case of the petitioner that when the petitioner presented documents for registration, the same was kept pending and refused to be registered on the ground that there is a protest petition.

4.The learned counsel for the petitioner would submit that the protest



petition is related to individual money transaction. Hence, the refusal checkslips are not in accordance with law and seeks to allow these writ petitions.

5. Heard both sides and perused the materials placed on record.

6. The very order impugned is passed merely on the basis of a protest petition by third party claiming some balance amount from the petitioner, hence, the documents have been refused to be registered. At the outset, this Court is of the view that such order cannot be sustained in the eye of law. If there is any money dispute between the petitioner and the third party, his remedy lies elsewhere not before the Sub Registrar and that cannot be a ground to refuse to register the documents.

7. Hence, the impugned orders are set aside and there shall a direction to the third respondent/Sub Registrar to register the documents dated 30.11.2023 within a period of fifteen days from today.

8. Accordingly, these Writ Petitions are disposed of. No costs.



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24.04.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps

Note to office:

Issue order copy on 30.04.2024

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2. The District Registrar (Admin.)
District Registrar Office,
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N. SATHISH KUMAR, J.

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