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W.P.No.4393 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18..04..2024
Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.4393 of 2023

Thulasi

..... Petitioner

-Versus-

The Joint Sub Registrar-II,
Dharmapuri Taluk,
Dharmapuri District.

..... Respondent

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Refusal Check Slip in Refusal number RFL/2 JOINT SRO, DHARMAPURI/14/2023 dated 02.02.2023 and to quash the same as illegal and unsustainable and further direct the respondent to admit and register the gift settlement deed dated 02.02.2023 executed by the petitioner herein in favour of her sons namely S.D.Manickavel and S.D.Balasubramani with respect to properties in S.No.426/9, measuring an extent of Punjai Acre 0.58 cents together with a thatched house measuring an extent of 1500 sq.ft., a hut measuring an extent of 600 sq.ft. and a godown measuring an extent of 250 sq.ft. together with electricity service connection and in S.No.426/6 measuring an extent of Punjai Acre 0.11 cents together with $\frac{1}{4}$ share in the well.



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For Petitioner : Mr.V.Sakkarapani
For Respondent : Mr.P.Anandhakumar, GA
R2 – No appearance

ORDER

This writ petition has been filed challenging the Refusal Check Slip issued by the respondent in Refusal Number RFL/2 JOINT SRO, DHARMAPURI/14/2023 dated 02.02.2023 and seeking a consequential direction to the respondent to admit and register the gift settlement deed dated 02.02.2023 executed by the petitioner herein in favour of her sons namely S.D.Manickavel and S.D.Balasubramani with respect to properties in S.No.426/9, measuring an extent of Punjai Acre 0.58 cents together with a thatched house measuring an extent of 1500 sq. ft., a hut measuring an extent of 600 square feet and a go-down measuring an extent of 250 square feet together with electricity service connection and in S.No.426/6 measuring an extent of Punjai Acre 0.11 cents together with $\frac{1}{4}$ share in the well.

2. Heard both sides.

3. The impugned refusal check slip was issued on the only ground that there is a civil suit pending in respect of the property covered under the subject document. In the considered view of this court such a ground cannot be



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sustained in the eye of law for the simple reason that mere pendency of a civil suit cannot be a ground to refuse registration and any transfer of property that takes place during the pendency of a civil suit would at the best hit by the *doctrine of lis pendens* and section 52 of the Transfer of Property Act and as such mere pendency of a civil suit is not a ground to refuse registration. When sufficient safeguard is made under the statute, the registering authority cannot simply refuse to register the document. That apart, there is no specific bar in the Registration Act, preventing the registering authority to register any document pending civil suit. Therefore, the writ petition succeeds and the impugned refusal check slip is liable to be set aside.

In the result, the writ petition is allowed and the impugned refusal check slip issued by the respondent is set aside. The respondent is directed to admit and register the gift settlement deed dated 02.02.2023 executed by the petitioner herein in favour of her sons. No costs.

18..04..2024

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To
1.The Joint Sub Registrar-II,Dharmapuri Taluk,Dharmapuri District.



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N.SATHISH KUMAR.J.,
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