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WP.No.10759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10759 of 2024

A.Radha

.. Petitioner

Versus

1. The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram, Chennai – 28.
 2. The District Registrar,
Office of the District Registrar, Namakkal District.
 3. The Sub Registrar,
Office of the Sub Registrar,
Kumarapalayam, Namakkal District.
- Respondents

..

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned check slip issued by the third respondent dated 12.03.2024 vide No.RFL/Kumarapalayam/51/2024 and quash the same as illegal and consequently direct the third respondent to register the document presented by the petitioner within a time frame to be fixed by this Court.

For Petitioner : Mr.P.Dhanesh Balamurugan



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For Respondents : Mr.R.Ramanlal
Additional Advocate General
Asst. by Mr.Yogesh Kannadasan
Special Government Pleader – R1 to R3

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned check slip issued by the third respondent dated 12.03.2024 vide No.RFL/Kumarapalayam/51/2024 as illegal and consequently direct the third respondent to register the document presented by the petitioner within a time frame to be fixed by this Court.

3. Heard Mr.P.Dhanesh Balamurugan, learned counsel for the petitioner and Mr.Ramanlal, learned Additional Advocate General appearing for the respondents and perused the materials available on record.

4. It is the contention of the learned counsel for the petitioner that when the sale deed dated 12.03.2024 was presented by the petitioner for registration, the same has been refused to be registered by the third respondent on the



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ground that the suit is pending between the parties for partition and hence, the sale deed cannot be registered. This Court is of the view that unless there is an order of injunction, mere pendency of the suit will not be a bar for transaction, however, the same is subject to the result of the suit. Similarly, it cannot be said that undivided share cannot be sold. Section 44 of the Transfer of Property Act envisages transfer by one co-owner in respect of the undivided share. In such view of the matter, the refusal slip cannot be sustained in law.

5. Accordingly, this Writ Petition is allowed and the refusal slip of the third respondent dated 02.03.2024 stands quashed and the third respondent is directed to register the sale deed dated 12.03.2024 presented by the petitioner within a period of one month from the date of receipt of a copy of this Order. No costs.

22.04.2024

vrc

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

To,

1. The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram, Chennai – 28.



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2. The District Registrar,
Office of the District Registrar, Namakkal District.

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3. The Sub Registrar,
Office of the Sub Registrar,
Kumarapalayam, Namakkal District.



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N. SATHISH KUMAR, J.

VRC

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