



WEB COPY



WP.No.11626 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11626 of 2024

S.Chandrika

.. Petitioner

Versus

The Joint Sub Registrar 2,
O/o.Joint Sub Registrar No.2, Tiruppur.

.. Respondent

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 of order of refusal check slip in Refusal Number : RFL/2 Joint Sub-Registrar Tiruppur/1/2024 dated 13.02.2024 passed by the respondent and quash the same and consequently direct the respondent to register the document of sale deed to be presented by the petitioner.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.P.Anandhakumar
Government Advocate

ORDER

With the consent of both sides, this Writ Petition is taken up for final

disposal at the admission stage itself.

<https://www.mhc.tn.gov.in/judis>



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2. This writ petition is filed to quash the refusal check slip in Refusal Number : RFL/2 Joint Sub-Registrar Tiruppur/1/2024 dated 13.02.2024 passed by the respondent and consequently direct the respondent to register the document of sale certificate to be presented by the petitioner.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

4. The respondent has refused to register the sale certificate presented by the petitioner mainly on the ground that a Criminal case is pending against the petitioner before the Judicial Magistrate. According to the petitioner, he is an auction purchaser under the SARFAESI Act and when he presented the sale certificate, the same was refused to be registered on the ground that a criminal case is pending before the Judicial Magistrate. Mere pendency of a criminal case cannot be ground for refusing registration of the document and the Order passed by the respondent is without application of mind. Hence, the refusal slip of the respondent is liable to be quashed.



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WEB COPY 5. Accordingly, this Writ Petition is allowed and impugned refusal slip dated 13.02.2024 of the respondent is quashed. The respondent is directed to register the sale certificate presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

29.04.2024

vrc

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

To,

The Joint Sub Registrar 2,
O/o.Joint Sub Registrar No.2, Tiruppur.



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N. SATHISH KUMAR, J.

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