



WP.No.11815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11815 of 2024

E.Vallikannan

.. Petitioner

Versus

The Sub Registrar, Joint II,
Chengalpet, Chengalpet District – 603 401.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the refusal slip bearing No.RFL/Chengalpet Joint II/41/2024 dated 25.03.2024 issued by the respondent as illegal and quash the same and consequently issue suitable direction, directing the respondent to register the Memorandum of Title Deeds dated 25.03.2024 in Application No.TP/176753693/2024 and release the same to the petitioner.

For Petitioner : Mr.N.Suriya Muthu

For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

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

<https://www.mhc.tricel.org/> disposal at the admission stage itself.



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2. This writ petition is filed to quash the refusal slip bearing No.RFL/Chengalpet Joint II/41/2024 dated 25.03.2024 issued by the respondent as illegal and consequently direct the respondent to register the Memorandum of Title Deeds dated 25.03.2024 in Application No.TP/176753693/2024 and release the same to the petitioner.

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

4. The case of the petitioner is that when he presented Memorandum of Title Deeds for registration, the respondent refused to register the same stating that there is an attachment vide I.A.No.1 of 2022 in Arbitration Case No.914 of 2021 PSA 13707 dated 28.12.2022. The further case of the petitioner is that the said attachment is only an interim attachment and that too issued for the other part of the subject property and even the due against the arbitration case got settled with the financial institution and No Objection Certificate has also been issued to the respondent. Hence, challenging the impugned refusal slip, the present Writ Petition has been filed.



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5. The Memorandum of Title Deeds presented by the petitioner was refused to be registered by the respondent on the ground that there is an Order of attachment in an arbitration case in respect of the subject property. Whereas, it is the contention of the petitioner that the said arbitration case has got settled and No Objection Certificate has also been issued to the respondent. In such view of the matter, since the award amount in the arbitration case has already been satisfied and no objection certificate has also been issued to the respondent, the impugned refusal slip is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and impugned refusal slip dated 05.03.2024 of the respondent is quashed. The petitioner is directed to produce the No Objection Certificate from the concerned financial institution before the respondent within a period of seven days from the date of receipt of a copy of this order and on such production, the respondent is directed to register the Memorandum of Title Deeds dated 25.03.2024 presented by the petitioner within a period of fifteen days thereafter. No costs.

30.04.2024

vrc

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

:Yes/No



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Internet : Yes/No
Neutral Citation : Yes/No

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To,

The Sub Registrar, Joint II,
Chengalpet, Chengalpet District – 603 401.



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N. SATHISH KUMAR, J.

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