



WEB COPY



W.P. No.19005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19005 of 2024 and
W.M.P. No.21718 of 2024

Mrs.Saranya

... Petitioner

Vs

- 1.The Union of India
Rep by its Chief Secretary
Government of Puducherry
- 2.The District Registrar
Kamarajar Salai, Sakthi Nagar
Saram, Puducherry
- 3.The Sub Registrar
Office of the Sub Registrar
Oulgaret
Jawahar Nagar, Puducherry

... Respondents

Prayer: Writ Petition 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 order dated 23.04.2024 vide No.80/SRO/OUL/2024/116 passed by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to entertain the document to be presented by the petitioner.



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For Petitioner : Mr.P.Rajadurai

For Respondent : Mr.M.Nirmal Kumar,
Government Advocate (Puducherry)

ORDER

Challenge has been made to the refusal slip issued by the third respondent refusing to register the sale deed presented by the petitioner.

2. It is the case of the writ petitioner that when she presented a sale deed, in respect of Survey No.46/4, the same was refused to be registered citing pendency of a suit in respect of the said survey number.

3. Learned counsel appearing for the petitioner would submit that the petitioner has purchased the property from one Sithanathan Sengunthar in the year 2021. Whereas a suit in O.S. No.153 of 2022 has been filed by one Shanthi and Poongodi against their father and others in respect of Survey No.46/14. The suit itself is not filed for any relief of declaration and it has been filed just for an injunction restraining the official respondents from discharging their duties. At any event, when the suit schedule property is unconnected to



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petitioner's property, citing pendency of the said suit, the document cannot be refused to be registered.

4. Since the impugned order shows clear non-application of mind on the part of the third respondent, no counter is required. The suit cited in the impugned order relates to Survey No.46/14 whereas the document presented by the petitioner relates to Survey No.46/4, totally different survey number. In such view of the matter, the impugned order passed by the third respondent stands quashed. The third respondent is directed to register the sale deed presented by the petitioner, within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

19.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr



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N.SATHISH KUMAR, J.

Asr

To

- 1.The Union of India
Rep by its Chief Secretary
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- 2.The District Registrar
Kamarajar Salai, Sakthi Nagar
Saram, Puducherry
- 3.The Sub Registrar
Office of the Sub Registrar
Oulgaret
Jawahar Nagar, Puducherry
- 4.The Government Pleader (Puducherry)
High Court, Madras

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