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W.P. No.19547 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.19547 of 2024

A.S.Ramalingam

... Petitioner

Vs

The Sub Registrar
Office of the Sub Registrar
Vellakovil - 638 111
Kangayam Taluk
Tiruppur District

... Respondent

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 refusal check slip in RFL/Vellakovil/14/2024 dated 05.07.2024 passed by the respondent, quash the same and consequently direct the respondent to register the Memorandum of Deposit of Title Deed dated 05.07.2024 executed by the petitioner in favour of State Bank of India, SME, Ganapathi, Coimbatore.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER



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This writ petition has been filed challenging the impugned refusal check slip in RFL/Vellakovil/14/2024 dated 05.07.2024 passed by the respondent, refusing to register the Memorandum of Deposit of Title Deed dated 05.07.2024 executed by the petitioner in favour of State Bank of India, SME, Ganapathi, Coimbatore.

2. It is the case of the petitioner that the petitioner is the absolute owner of the property. Petitioner's brother has executed a sale deed in respect of his property in the year 1999 and 2021 in favour of the petitioner. Pursuant to the above, the petitioner became the absolute owner of the property. After 10 years of execution of the sale deeds, petitioner's brother has filed O.S. No.60 of 2018 on the file of Sub Court, Dharapuram, for cancellation of the sale deeds. In the meanwhile, the petitioner has filed a suit in O.S. No.59 of 2018. Both the suits were tried together. The trial court has decreed the suit filed by the writ petitioner and dismissed the suit filed by his brother. However, the first appellate court non-suited the petitioner. Challenging the said finding of the first appellate court, the petitioner has filed Second Appeals in S.A. Nos.643 and 646 of 2021. The above second appeals have been allowed on 07.06.2024



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in favour of the petitioner, thereby the petitioner's right has been declared in the suit property. When the petitioner presented a mortgage deed for enhancing the mortgage amount, the same was refused to be registered by the respondent citing pendency of the appeals. Hence refusal order has been challenged in this writ petition.

3. Heard both sides and perused the materials available on record.

4. The case details downloaded from the website indicates that the second appeals have already been disposed of on 07.06.2024 and the result indicates that both the appeals are allowed. Be that as it may, since the document was refused to be registered only on the ground that the second appeals are pending, let the writ petitioner produce web copy of the judgment dated 07.06.2024 to the Sub Registrar and re-present the document. On such re-presentation of document along with the judgment copy of the second appeals, the Sub Registrar, shall register the documents within a period of one week from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Neutral Citation : Yes / No

Asr

Note: Issue order copy on 23.07.2024

B/o

KMK

PS to NSKJ

To

1.The Sub Registrar
Office of the Sub Registrar
Vellakovil - 638 111
Kangayam Taluk
Tiruppur District

2.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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