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WP.No.22208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

WP.No.22208 of 2024

K.S.S.Raju

.. Petitioner

Versus

1.The District Registrar  
Mayiladuthurai

2.The Sub Registrar  
Sirkali Taluk  
Mayiladuthurai District

3.C.Ramachandran  
4.A.Vellaisamy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to receive, register and to complete the statutory formalities as regards the documents being (i)Rectification deed dated 21.06.2024 (TP. No.185021874/2024) (ii)Deed of Cancellation of Power dated 21.06.2024 (TP 185026474/2024) (iii)Sale deed dated 21.06.2024 document No (TP.No.185029327/2024)

For Petitioner : Mr.T.M.Hariharan

For Respondent : Mr.B.Vijay for R1 & R2  
Additional Government Pleader



WP.No.22208 of 2024

**ORDER**

This writ petition is filed directing the 2nd respondent to receive, register and to complete the statutory formalities as regards the documents being (i)Rectification deed dated 21.06.2024 (TP. No.185021874/2024) (ii)Deed of Cancellation of Power dated 21.06.2024 (TP 185026474/2024) (iii)Sale deed dated 21.06.2024 (TP.No.185029327/2024) .

2. Heard both sides and perused the materials placed on record.

3. It is the case of the writ petitioner that when the petitioner presented the aforesaid documents, the second respondent refused to receive on the ground that the fourth respondent has filed a suit in O.S.No.133 of 2024 on the file of Sub Court, Sirkali and also given an objection petition. Hence, this writ petition.

4. On perusal of the typedset of documents, particularly, the suit filed by the fourth respondent in O.S.No.133 of 2024 indicate that the suit is filed for permanent injunction on the basis of an unregistered sale agreement. Therefore, this Court is of the view that mere pendency of the suit, the documents cannot be refused to be registered. This Court in the case of

*Subramani vs. The Sub Registrar and another* made in W.P.No.11056 of 2024



WP.No.22208 of 2024

by order dated 26.04.2024 has elaborately discussed and held that the refusal slips cannot be issued in this regard.

5. Similarly, the Division Bench of this Court in the case of *K.C.Mohan vs. The Sub Registrar and another* made in *W.A.No.34 of 2024* dated *16.07.2024* held as follows:

*“ 8. A reading of the above provision would show that it only makes transfers made during the pendency of suits where, substantial right to immovable property is in question, subject to the result of the litigation, unless such sale or transfer is made with the permission of the Court. Therefore, there is no statutory bar for registering a document relating to a property in respect of which a suit is stated to be pending.*

...

*10. Mere impleading of a Sub-Registrar to a suit will not enable him to refuse registration. Such mechanical refusal only leads to people being driven to this Court. Right to property is guaranteed under Article 300A of the Constitution of India and it is a Constitutional right which is in a higher pedestal than a fundamental right. Registrars cannot be allowed to meddle with such right, which is constitutionally protected, on flimsy grounds. Hence, we are unable to sustain the refusal check slip issued by the Sub Registrar, Joint SRO II, Krishnagiri. Therefore, the impugned check slip, as well as the order of*



WP.No.22208 of 2024

*learned Single Judge are set aside.”*

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6. Such view of the matter, there shall be a direction to the second respondent to receive, register and release the documents in (i)Rectification deed dated 21.06.2024 (TP. No.185021874/2024) (ii)Deed of Cancellation of Power dated 21.06.2024 (TP 185026474/2024) (iii)Sale deed dated 21.06.2024 document No (TP.No.185029327/2024). Such exercise shall be completed within a period of fifteen days from the date of receipt of a copy of this Order.

7. With the above direction, this writ petition is allowed. No costs.

02.08.2024

dhk

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No



WEB COPY



WP.No.22208 of 2024

To,

1.The District Registrar  
Mayiladuthurai

2.The Sub Registrar  
Sirkali Taluk  
Mayiladuthurai District



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WP.No.22208 of 2024

**N. SATHISH KUMAR, J.**

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W.P.No.22208 of 2024

02.08.2024