



WEB COPY



W.P.No.29381 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29381 of 2024

Periyasamy.T

...Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Chennai 600 028.

2.The Sub Registrar,
Office of the Sub Registrar, Vikravandi,
Chennai Trichy High Road,
Vikravandi 605 652,
Villupuram District.

3.Vijayaraghavalu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication of the second respondent dated 16.08.2024 in Na.Ka.No.268/2024 and to quash the same and consequently to direct the 2nd respondent to forthwith register the Sale Deed dated 22.07.2024 executed by the Additional District Judge, Villupuram on behalf of 3rd respondent herein.



WEB COPY



W.P.No.29381 of 2024

For Petitioner : Mr.Ravichandran Sundaresan

For Respondents : Mr.M.Shahjahan for R1 & R2
Special Government Pleader

ORDER

Aggrieved by the impugned refusal check slip issued by the second respondent refusing to register the sale deed executed by the Civil Court in favour of the petitioner, the petitioner has come by way of this Writ Petition.

2. The petitioner herein filed a suit for specific performance against the third respondent in OS.No.110 of 2023 on the file of the Additional District Court, Villupuram and obtained a decree. Based on the decree, the Civil Court executed a sale deed in favour of the petitioner in respect of the agreement mentioned property in New S.No.568B/1A-33-84 with an extent of 1139 sq.ft situated at Vikkiravandi Village and Taluk, Villupuram District. When the said sale deed was presented for registration before the second respondent, the same was refused by him on the ground that several attachment orders were entered in respect of the subject property.



W.P.No.29381 of 2024

WEB COPY

3. This Court in *Subramani Vs. Sub-Registrar* in W.P.No.11056 of 2024, dated 26.04.2024, held that existence of attachment order is not a ground to refuse registration in view of Section 64 of the Registration Act and any transfer is subject to the rights of the attachment Creditor. In view of the same, the second respondent is not justified in refusing the registration by citing the attachment orders passed by the Court in respect of the subject property.

4. Accordingly, the Writ Petition stands allowed and the impugned refusal check slip is quashed. The petitioner is directed to represent the document for registration within a period of two weeks from the date of receipt of copy of this order and the second respondent is directed to register the same, if it is otherwise in order. No costs.

14.10.2024
(½)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



WEB COPY



W.P.No.29381 of 2024

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Chennai 600 028.
- 2.The Sub Registrar,
Office of the Sub Registrar, Vikravandi,
Chennai Trichy High Road,
Vikravandi 605 652,
Villupuram District.



WEB COPY



W.P.No.29381 of 2024

S.SOUNTHAR, J.
dna

W.P No.29381 of 2024
(1/2)

14.10.2024