



WEB COPY



W.P.No.32572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.32572 of 2024
and
W.M.P.No.35399 of 2024

1. M.Vinoth
2. O.R.Sivasankari

... Petitioners

Vs.

1. The Sub-Registrar,
Registration Department,
Thingalur,
Erode District.

2. K.Sampath Kumar

3. T.M.Kaliappan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Check Slip No.RFL/Thingalur/9/2023 dated 03.11.2023 on the file of the 1st Respondent herein, quash the same and consequently direct the 1st Respondent to register the Sale Deed dated 19.09.2022 executed in favour of the Petitioners, presented for registration within a stipulated period.



W.P.No.32572 of 2024

For Petitioners : Mr.K.Govi Ganesan
For R1 : Mr.M.Shahjahan
Special Government Pleader

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records relating to the Impugned Refusal Check Slip No.RFL/Thingalur/9/2023 dated 03.11.2023 on the file of the 1st Respondent herein, quash the same and consequently direct the 1st Respondent to register the Sale Deed dated 19.09.2022 executed in favour of the Petitioners, presented for registration within a stipulated period.

2. The learned counsel for the Petitioners would submit that the Petitioners had submitted a Sale Deed executed by the power agent of the original owners of the property in question and when the same has been submitted for registration, the 1st Respondent has issued a Refusal Check Slip refusing registration on the ground that Civil Suit is pending in O.S.No.103 of 2022, on the file of the District Munsiff Perundurai in respect of the said property. Aggrieved by the same, the Petitioner is before this Court.



W.P.No.32572 of 2024

3. The learned Special Government Pleader for the 1st Respondent has given a opinion that the documents cannot be registered during the pendency of the Suit.

4. Heard the learned counsel on either side.

4. Perusal of the Impugned Refusal Check does not give any details about the suit in question. However the Petitioner has filed a copy of the plaint in the Suit in O.S.No.103 of 2022. This Suit is filed by the Respondents 2 and 3 herein against Thirumaran and others i.e., the Petitioners vendors seeking the relief of an easement of necessity over the suit property and for consequential injunction.

5. This Suit cannot be an impediment to the execution of the Sale Deed as an Order that is ultimately going to be passed in the Suit would automatically enure to the Plaintiff as well. Therefore, this Writ Petition is allowed. The Impugned Refusal Check dated 03.11.2023 is quashed and the 1st Respondent is directed to register the Sale Deed dated 19.09.2022 within a period of three (3) weeks from the date of representation of the Sale Deed by the Petitioner.



W.P.No.32572 of 2024

WEB COPY

6. The Writ Petition stands allowed in terms of the above observations and directions. No cost. Consequently, connected Miscellaneous Petition is closed.

07.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



W.P.No.32572 of 2024

To
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The Sub-Registrar,
Registration Department,
Thingalur,
Erode District.



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W.P.No.32572 of 2024

P.T.ASHA, J.

rgm

W.P.No.32572 of 2024
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07.11.2024