



W.P.No.29840 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.29840 of 2024

K.Krishnakumar

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Portonovo - 608 502.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to impugned order of passed by the respondent in Refusal Check Slip No.RFL/Parangipettai / 121/ 2024 thererby refusing to register the document and quash the same as illegal incompetent and without jurisdiction and further direct the respondent to register the sale deed dated 06.09.2024 presented by petitioner.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.P.Harish
Government Advocate

ORDER



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Challenging the refusal check slip on the part of the respondent to register the sale deed submitted by the petitioner on 06.09.2024, the petitioner is before this Court.

2. The refusal was on the ground that the suit in OS.Nos.14 of 2021 and 32 of 2023 was pending and that by virtue of the order in I.A.No.1 of 2024 in O.S.No.32 of 2023, the Sub Registrar, Parangipettai has been impleaded as defendant. Therefore, till the disposal of the said suits, the documents cannot be registered.

3. The petitioner had purchased the property from Muhamedali S/o Hamaludeen and Megar Nisha power agent of Zubaidabeevee W/o Haja Kamal. It is the contention of the petitioner that the suit in O.S.No.11 of 2020 has been dismissed and the appeal in A.S.No.4 of 2021 also dismissed for non prosecution. The wrong entries in the Encumbrance certificate has been removed, but patta has not been granted. In the light of the fact that the suit has been dismissed for non prosecution. The above reason for not registering the sale deed, cannot be countenanced and the writ petition is allowed.



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4. Accordingly, the Writ Petition is allowed. The impugned order dated 06.09.2024 is quashed. The Sub Registrar / respondent is directed to register the document, namely, the Sale Deed dated 06.09.2024 within a period of 2 weeks, from the date of the same being re-presented. No costs.

18.12.2024

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

The Sub Registrar,
Sub Registrar Office,
Portonovo - 608 502.



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P.T. ASHA. J.,

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