



WEB COPY

W.P. No.929 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.929 of 2024

N.Kumaresan

... Petitioner

Vs.

1. The District Registrar
Thiruvallur District
Thiruvallur

2. The Sub Registrar
Manavala Nagar
Thiruvallur District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent and quash his Refusal Notice dated 10.10.2023 in No. RFL/ Manavalanagar/104/2023 and consequently direct the 2nd respondent to register the petitioner's sale agreement dated 11.08.2023 in so far as the property in Survey No.142/4 is concerned.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

**ORDER**

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This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent and quash his Refusal Notice dated 10.10.2023 in No.RFL/Manavalanagar/104/2023 and consequently direct the 2nd respondent to register the petitioner's sale agreement dated 11.08.2023 in so far as the property in Survey No.142/4 is concerned.

2. The case of the petitioner is that he entered into a sale agreement with one Ramesh Durai to sell his properties in Survey Nos.96/5, 96/6, 140/7, 140/10, 96/5, 141/1, 141/3, 141/9 and 142/4 and in order to register the sale agreement, he approached the 2nd respondent whereas, the 2nd respondent, refused to register the same stating that already a suit is pending in O.S.No.158 of 1989 on the file of the District Munsif Court, Thiruvallur, in respect of the said survey numbers. The contention of the petitioner is that the suit mentioned in the refusal check slip has already been disposed of on 22.09.2023 itself whereas, the impugned check slip was passed only on 10.10.2023 and even in the plaint, decree and judgment of the said suit, there is no mentioning about the Survey No.142/4. It is settled proposition of law that pending suit is not a legal impediment from registering a document



unless there is a specific stay or direction from the Court. Even otherwise, the survey number which is not covered under the suit can be registered.

Hence, the present writ petition is filed.

3. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice for the respondents.

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

5. It is seen that the only reason stated by the Registrar in the refusal check slip is that already a suit in O.S.No.158/1989 is pending in respect of the said survey numbers and he has not stated any other legal impediment. However, mere pending suit will not deprive the Registrar from registering a document. Even otherwise there is no mentioning about the S.No.142/4 in the said decree. Though the learned counsel for the petitioner pointed out that the suit was disposed of on 22.09.2023, he fairly admitted that he has not produced the copy of the said decree before the Registrar.

6. Under these circumstance, the Refusal check slip dated 10.10.2023 in No. RFL/ Manavalanagar/104/2023 passed by the 2nd respondent is set



aside.

7. The petitioner is directed to produce the sale deed along with the copy of the decree of the said suit before the Registrar and on receipt of the same, the Registrar shall register the document if the same is otherwise in order and if there is no other legal impediment.

8. With the above directions, this Writ Petition is disposed of. No Costs.

12.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Registrar
Thiruvallur District
Thiruvallur

2. The Sub Registrar
Manavala Nagar
Thiruvallur District

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P.VELMURUGAN. J.

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