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W.P. No.1162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.1162 of 2024

S.Banumathi

... Petitioner

Vs

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

2.The District Registrar
District Registrar Office
District Collectorate Compound
Coimbatore - 641 018

3.The Sub Registrar
Sub-Registrar Office Mettupalayam
Mettupalayam, Coimbatore - 641 301

4.The Nilgiri's Cooperative Marketing Society
K-708, Udhamandalam (Ooty)
Nilgiri District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records pertaining to Check Slip RFL/Mettupalayam/54/2023 dated 27.05.2023 issued by 3rd respondent



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and quash the same and consequently direct the 3rd respondent to register the sale deed dated 10.05.2023 presented in TP No.151601485/2023 executed by N.Sarojini and N.Sasikumar in favour of the petitioner.

For Petitioner : Mr.A.Swaminathan

For Respondents : Mr.L.S.M.Hasan Fizal
Addl. Govt. Pleader for R1 to R3
Mr.R.Neethiperumal
Government Advocate for R4

ORDER

Challenge has been made to the check slip issued by the third second respondent when the petitioner has presented a document for registration. The same was refused to be registered by the Registrar on the ground that some suits are pending in the court in respect of the same survey numbers, where the petitioner's land also lies.

2. It is the case of the writ petitioner that she has purchased properties (i) measuring an extent of 1.25 acres comprised in S. No.842/3B as per Patta No.4782, (ii) an extent of 1.96 acres comprised in S. No.842/1 as per Patta No.1164, (iii) an extent of 771/2 cents comprised in Survey No.842/3A as per



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Patta No.664. All the properties are in Thekkampatti Vilalge, Mettupalayam Taluk, Coimbatore District. When she has presented a document for registration, citing various suits filed are pending as against the Co-operative Society in respect of same survey number, the third respondent has refused to register the document. Hence the petitioner seeks a direction.

3. The third respondent has filed a counter confirming his stand that since the suits are pending, refusal check slip has been issued.

4. Fourth respondent's stand is that there is no nexus between presentation of the document with their act. However, they have admitted that there are some suits filed against them by the third parties in the court and the same are pending.

5. It is the contention of the learned counsel appearing for the petitioner that due to the mistake committed by the fourth respondent while executing the Discharge Certificate in favour of the original mortgagor in respect of the above survey numbers, suits came to be filed against the respondents by the original owners whose survey numbers also included in the Discharge Certificate.



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However, this transfer is no way connected with others property. The petitioner has purchased the property from the true owners. Therefore, mere citation of pendency of suits filed against the fourth respondent by independent right that will not be a bar for registering the document.

6. Learned counsel appearing for the fourth respondent also submitted that suits have been filed as against the Co-operative Society. Those suits are not with regard to the title of the property of the petitioner. The suits have been filed among the third parties in respect of their respective title. Therefore, it is the contention of the fourth respondent that they have no way connected with this issue.

7. At the outset, this court is of the view that mere pendency of the suits between some third parties in respect of the same survey number, the document cannot be refused to be registered for the simple reason that the survey number may be same, but extent may be vast. There are many title holders, who have their right over the property. The right has to be decided only on the basis of the documents. The petitioner has admitted before this court that he has purchased the property from his predecessor-in-title, who have prior title.



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8. Be that as it may, mere pendency of the suit relating to the same survey number, may not be a bar for registration of the document. At the most, if the transfer in respect of subject matter of the suits wherein the writ petitioners are also party to the suit, such transfer will certainly fall within the ambit of Section 52 of the Transfer of Property Act. This is not the case here. Further, it is not the case of the respondents that there is an interim order passed by the civil court restraining the registration in respect of the same survey number. In such view of the matter, mere pendency of the suits shall not be a bar for registering the document.

9. Accordingly, this writ petition is allowed and the impugned check slip of the third respondent dated 27.05.2023 is quashed. There shall be a direction to the third respondent, to register the documents presented by the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

19.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr



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N.SATHISH KUMAR, J.

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