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W.P.No.38391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38391 of 2024

R.Kirubaashini

... Petitioner

Vs.

1.The Sub Registrar
Anthiyur Sub Registrar Office,
Erode Registration District.

2.Velusamy

3.Panjami

...Respondents

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 relating to the impugned order made in Refusal Check Slip dated 27.11.2024 in RFL / Anthiyur /38 2024 passed by the 1st Respondent and quash the same and consequently direct the 1st respondent to register the sale Deed dated 27.11.2024 executed by one Sivasamy in favour of petitioner

For Petitioner : M/s.V.Anandhamoorthy

For Respondents : M/s.B.Vijay, AGP
for R1



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ORDER

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Challenging the refusal check slip dated 27.11.2024 issued by the 1st respondent, the petitioner is before this Court.

Brief Facts:-

2. The petitioner had purchased the property comprised in S.F.No.34/3B1 measuring an extent of 1.47 cents with rights to the common well, electricity connection and cart track under a sale deed dated 27.11.2024 for a sale consideration of Rs.7,99,000/-. When the sale deed dated 27.11.2024 was presented for registration before the 1st respondent, the 1st respondent had refused to register the same stating that a partition suit in O.S.No.111 of 2024 is pending on the file of the Sub-Court, Bhavani. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned AGP accepting notice for the 1st respondent and perused the records.

4. The pendency of a suit without any orders injuncting further sale will not act as a bar to the Registering Authority to proceed with the registration. The Registering Authority has to verify the execution of the



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document and the identity of the executant and that apart verify as to whether the sale deed would fall under any of the categories set out in Sections 22-A and 22-B of the Registration Act. If the sale deed satisfies the above parameters, the Registering Authority is bound to register the document. Therefore, the refusal on the part of the 1st respondent to register the document is without any basis and that too on the basis of the pendency of a suit is erroneous more particularly when no orders prohibiting sale/transfer has been obtained against the petitioner's vendor.

5. Accordingly, the Writ Petition is allowed. The impugned refusal check slip dated 27.11.2024 is set aside and the 1st respondent is directed to register the sale deed dated 27.11.2024, subject to the ultimate result of the partition suit O.S.No.111 of 2024, within a period of two weeks from the date of its representation by the petitioner. No costs.

21.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Registrar
Anthiyur Sub Registrar Office,
Erode Registration District.



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P.T. ASHA. J.,

(shr)

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