



W.P(MD)No.271 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.271 of 2024

and

W.M.P(MD)No.266 of 2024

G.Chitra

... Petitioner

-Vs-

1.The District Registrar,
O/o the District Registrar Office,
Dindigul,
Dindigul District.

2.The Sub-Registrar,
O/o the Sub Registrar Office,
Vedachandhur,
Dindigul District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip issued by the 2nd respondent in his proceedings in No.RFL/Vedasandhur/152/2023 dated 30.10.2023 and quash the same as illegal and consequentially directing the 2nd respondent to register the Sale Deed presented by the Petitioner in temporary no.TP/163574134/2023 dated 30.10.2023 in the light of O.S.No. 214 of 1988 in E.P.No.179 of 1990 dated 10.09.1993 on the file of the Principal Sub Judge, Dindigul within the period that may be stipulated by this Court.



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For Petitioner : Mr.C.Venkateshkumar for
M/s Ajmal Associates

For Respondents : Mr.S.Shanmugavel
Addl. Govt. Pleader

ORDER

The writ petition is filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip issued by the 2nd respondent in his proceedings in No.RFL/Vedasandhur/152/2023 dated 30.10.2023 and quash the same as illegal and consequently directing the 2nd respondent to register the Sale Deed presented by the Petitioner in temporary no.TP/163574134/2023 dated 30.10.2023 in the light of O.S.No.214 of 1988 in E.P.No.179 of 1990 dated 10.09.1993 on the file of the Principal Sub-Judge, Dindigul within the period that may be stipulated by this Court.

2. Mr.S.Shanmugavel, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel for the petitioner would submit that the subject matter land originally belonged to the petitioner's father. He purchased the said land and enjoyed the same without any hindrance. After his demise, the petitioner and her sister mutated the patta in their favour in patta No.3535. To meet out their expenses, they decided to sell the said property to one R.Natarajan and as such they had executed sale deed before the second respondent Sub-Registrar Office. However, the second respondent rejected their sale deed by the impugned refusal slip dated 30.10.2023.

4. The learned counsel would further submit that the petitioner's father availed a loan from one private finance viz., Sri Balamurugan Finance Company, Dindigul in the year 1985 for a sum of Rs.15,900/- after the pledging of the above said property. The said finance company filed a money suit in O.S.No.214 of 1988 as against her father since he had not repaid loan amount. The said suit was decreed. As per the said decree dated 03.11.1989, the petitioner's father has to pay Rs.33,233.30/- with 6% interest to the said Finance Company. However, the petitioner's father was not in a position to repay the said amount to the Finance Company. Thereafter, the Finance Company filed an Execution Petition in E.P.No.179



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of 1990 on 18.02.1990 and the same was ordered on 05.12.1990.

Thereafter, the petitioner's father repaid the entire amount in the year 1993 to the said Finance Company and the same was also recorded in the Court on 10.09.1993 and thereafter, the said Execution Petition was dismissed and the attachment was also lift against the property. Now, the second respondent has refused to register the sale deed stating that the subject matter property is under attachment. He would further submit that since the E.P was dismissed and the attachment was also raised, there is no bar to the second respondent to register the sale deed on the ground that there is no encumbrance in the subject matter property.

5. The learned Additional Government Pleader appearing for the respondents would submit that if the petitioner has produced supportive documents before the second respondent to prove the fact that the attachment has been raised, the second respondent will consider the same.

6. In view of the above fact, without going into the merits of the claim made by the petitioner, the petitioner is directed to produce the supportive documents with regard to the issue. On such production, if the documents



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prove the fact that the attachment has been raised, the second respondent is directed to register the subject matter sale deed, after obtaining supportive documents, if any.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

skn

To

1. The District Registrar,
O/o the District Registrar Office,
Dindigul,
Dindigul District.

2. The Sub-Registrar,
O/o the Sub Registrar Office,
Vedachandhur,
Dindigul District.



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V.BHAVANI SUBBAROYAN, J.

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