



W.P(MD)No.2495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2495 of 2024

MGG Trading Private Ltd.,
Rep. by its Director,
Mr.G.Behin,
S/o.Gnanaraj
No.12/I, Shree Puram,
Tirunelveli Junction,
Tirunelveli District.

... Petitioner

Vs.

1.The Joint Sub -Registrar No.2,
Tirunelveli.

2.Venugopal
(R2 is impleaded by this Court
vide order dated 27.03.2024
in W.M.P.(MD)No.4207 of 2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Refusal Check Slip No. RFL/2 No Joint Sub Registrar Tirunelveli/4/2024 dated 31.01.2024 and quash the same and consequently direct the respondent to register and release the document in favour of the petitioner company within a time fixed by this Court.



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For Petitioner : Mr.R.Mathava Selvam

For Respondents : Mr.C.Satheesh
Government Advocate for R1

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ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the registering authority.

2. The petitioner has purchased the petition mentioned property from the second respondent. The sale deed dated 29.01.2024 was presented for registration. Objection was received from one Rajalingam. Citing the same, registration was refused and the refusal check slip was issued. Challenging the said stand, the writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate fairly stated that notice was issued to Rajalingam. But he did not chose to appear. Unless the restraint order is received from the jurisdictional civil court, registration could not be refused. Merely because the third party is raising objection, that cannot be a ground for refusing registration. The impugned order is set aside. The petitioner is permitted to re-present the document. It shall be received, registered and released subject to fulfilment of other usual formalities. If of-course in the intervening period, Rajalingam has obtained restraint order, registration cannot be done.



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4. The Writ Petition is allowed on these terms. No costs.

27.03.2024

Index : Yes / No

Internet : Yes/ No

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To

The Joint Sub -Registrar No.2,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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