



W.P.(MD)No.2957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 12.02.2024

CORAM

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P.(MD)No.2957 of 2024

and

W.M.P(MD)No.2952 of 2024

N.Rajendran

...Petitioner

/Vs./

The Sub Registrar,
Sub Registrar Office,
Sayalkudi,
Ramanathapuram District.

...Respondent

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the respondent, relating to the impugned proceedings of the Respondent namely Refusal Check Slip in Refusal No.RFL/Sayalkudi/1/2024 dated 19.01.2024 and quash the same as illegal and consequently direct the respondent to register the sale deed Document dated 27.11.2023 presented by the Petitioner before the Respondent herein which was pending as P.No. 41/2023 and refused on 19.01.2024 within the time frame that may be stipulated by this Court.



WEB COPY



W.P.(MD)No.2957 of 2024

For Petitioner : Mr.V.Vijayarajan

For Respondent : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip in Refusal No.RFL/Sayalkudi/1/2024 dated 19.01.2024 with a consequential direction to the respondent to register the sale deed Document dated 27.11.2023.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that when the petitioner presented the sale deed for registration before the respondent herein, he registered the same as pending document stating that there is an objection letter filed by one Thandewaran Vahayara objecting any registration in the subject property pending disposal of the suit in OS No.143 of 2022. When the learned Government Advocate has given legal opinion stating that no stay order has



W.P.(MD)No.2957 of 2024

been granted in respect of the subject property, the respondent returned the document by issuing the impugned refusal check slip. Challenging the same, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner submits that when there is no stay order granted by the Court below, there cannot be any restraint on the registration of the subject property and hence, he seeks for quash of the impugned order.

5. The learned Additional Government Pleader appearing for the respondent submits that since there was some objection, registration of the subject property could not be done and hence, the respondent issued the impugned refusal check slip.

6. On going the materials available on record, it is seen that there is a pending civil suit before the Court below and only at the petitioner's risk, he has purchased the property. When there is no interim stay order granted by the competent civil Court, the respondent shall register the said sale deed and release it from pending document within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD)No.2957 of 2024

WEB COPY 7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12.02.2024

NCC : Yes/No
Index : Yes/No



W.P.(MD)No.2957 of 2024

TO:-
WEB COPY

The Sub Registrar,
Sub Registrar Office,
Sayalkudi,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.2957 of 2024

V.BHAVANI SUBBAROYAN, J.

sm

Order made in
W.P(MD)No.2957 of 2024

Dated:
12.02.2024