



W.A.(MD) No.321 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.A.(MD) No.321 of 2024
and
C.M.P.(MD) No.2988 of 2024**

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

2.The Joint Sub Registrar No.IV
Madurai

... Appellants

-vs-

1.Santha

2.Sathish

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.11.2023, passed in W.P.(MD) No.26969 of 2023, on the file of this Court.



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For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader

For Respondents : Mr.J.Bharathan
for Mr.T.R.Jeyapalam

J U D G M E N T

**[Judgment of the Court was made by
The Hon'ble CHIEF JUSTICE]**

Heard Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.S.Shanmugavel, learned Additional Government Pleader for the appellants and Mr.J.Bharathan, learned counsel, representing Mr.T.R.Jeyapalam, learned counsel, for the respondents.

2. Learned Additional Advocate General submits that the writ petition is still pending adjudication on merits. By way of an interim order, the writ petition is finally allowed. According to the learned Additional Advocate General, the said order could not have been passed.



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3. Learned counsel for the respondents submits that the sale certificate is dated 22.08.2008 and the same has been sent by the I Additional Sub Court, Madurai, to the Sub Registrar on 22.12.2008. The Government Order bearing G.O.(Ms) No.28, Commercial Taxes and Registration Department, relied upon by the appellants is dated 23.03.2023. The same would not have retrospective effect.

4. We have considered the submissions canvassed by the learned counsels.

5. This writ appeal is filed against the interim order. The interim order directs that the sale certificate, mentioned above, shall be accepted without insisting upon filing fee. Such filing fee will be subject to the result of the writ petition. Further direction is given to make an endorsement regarding pendency of the writ petition by filing the document.

6. Learned counsel for the original writ petitioner, on instructions of the original writ petitioners, undertakes to pay the filing fee as demanded, in case the writ petition is dismissed.



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7. In view of that, the apprehension of the appellants is taken care of. The writ petition is yet to be decided on merits. The parties may putforth their submissions before the learned Single Judge.

8. The writ appeal is, accordingly, disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[M.S.K., J.]

01.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Inspector General of Registration,
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Foreshore Estate, Pattinapakkam,
Chennai-600 028.

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THE HONOURABLE CHIEF JUSTICE
and
MUMMINENI SUDHEER KUMAR, J.

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