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W.P.(MD)NO.4261 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4261 of 2024

C.Selvan

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Dindigul District, Dindigul.

2. The Sub Registrar,
Nagalnayakanpatti Sub Registrar Office,
Dindigul District.

3. R.Mani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to register the document which would be presented by petitioner for registration vide application S01LANDVV202311010289507 in respect of the property in Survey No.TS.No.249, Door No.10/9, Municipal Assessment No.078/026/900189 Madurai Rasthavaail situated at Erumaikara Street, 5th Ward situated at Dindigul town, Dindigul District by following the guidelines framed by the Inspector General of Registration, Chennai vide circular in Na.Ka.No.39708/C1/2018 dated 04.10.2018 by considering the petitioner's representation dated 20.11.2023.



For Petitioner : Mr.P.Manikandan
For R-1 & R-2 : Mr.D.S.Nedunchezhiyan,
Government Advocate.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for respondents 1 and 2.

2. Notice sent to the third respondent has not been served till date. It is not however necessary for the service to be completed.

3. The petitioner presented the petition-mentioned mortgage deed for registration. It appears that the third respondent has filed a money suit against the petitioner in the year 2022. He has also filed IA for effecting attachment before judgment. Citing the same, the second respondent has declined to register the document.

3. Vide order dated **28.11.2023** in ***W.P.(MD)No.28088 of 2023(M.Gnanasekaran V. The District Registrar)***, I had held as follows:-

“3. IG of Registration has issued the circular vide Na.Ka. No. 39708/C1/2018, dated 04.10.2018. The second respondent will have to dispose of the matter in the light of the instructions contained in the said circular. If all the other requirements are fulfilled, the second



respondent cannot deny or defer registration, merely because the protest petition has been lodged by the third respondent. Of-course, if a restraint order is received from the jurisdictional civil Court, then, the registering authority is bound by the same. So long as there is no restraint order, the second respondent will have to act as per law.”

4. With this direction to the second respondent, this writ petition stands disposed of on the same lines. No costs.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

Note :- Issue order copy on 15.03.2024.

To:

1. The District Registrar,
Registration Department,
Dindigul District, Dindigul.
2. The Sub Registrar,
Nagalnayakanpatti Sub Registrar Office,
Dindigul District.



WEB COPY



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WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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