



W.P(MD)No.4718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4718 of 2024

M.Govindaraj

... Petitioner

Vs.

The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Bodinayakkanur,
Theni.

... Respondent

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 refusal check slip issued by the respondent on 14.02.2024 vide Refusal No.RFL/Bodinayakkanur/6/2024 on his file and quash the same and consequently direct the respondent herein to register the said document presented by the petitioner herein.

For Petitioner : Mr.GR.Balakumar

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

Heard both sides.

2.The petitioner in his capacity as power agent wants to alienate the petition mentioned property. Sale deed dated 07.02.2024 was presented for registration. The grievance of the petitioner is that the registering authority declined to register the same and instead issued the impugned refusal check slip.

3.It appears that one Sakthi Ganesh had given objections. He is also said to have filed a civil suit against Velmurugan who is one of the principals of the writ petitioner.

4.I have consistently held that pendency of the civil suit is no ground for refusing to register the document. Of course, breathing time can be given for objector to obtain interim relief. The authority cannot be expected to wait indefinitely. If really a civil suit has been filed by Sakthi Ganesh, it is for him to get an interim order. If such an interim



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order is not obtained, the authority is obliged to register the document provided the other formalities stand fulfilled.

5.In this view of the matter, the order impugned in this writ petition is set aside. The petitioner is permitted to re-present the sale deed after four weeks from the date of receipt of a copy of this order. If in the meanwhile any interim order is obtained, the registering authority has to act as per the civil Court's order. If Sakthi Ganesh fails to produce an interim order, the registration shall be carried on.

6.This writ petition is allowed on these terms. There shall be no order as to costs.

29.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Bodinayakkanur,
Theni.

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G.R.SWAMINATHAN, J.

MGA

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