



W.P(MD)No.4795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4795 of 2024
and
W.M.P(MD)No.4605 of 2024

M.V.Janani Visalakshi

... Petitioner

Vs.

The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar,
Karaikudi, Karaikudi Taluk,
Sivagangai District.

... 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 pertaining to the impugned refusal check slip No. RFL/1 No. Joint Sub Registrar Karaikudi / 2 / 2024 dated 07.02.2024 issued by the respondent and quash the same as illegal and unconstitutional and consequently directing the respondent to forthwith register the said sale deed.

For Petitioner : Mr.B.Rathinakumar

For Respondent : Mr.D.S.Nedunchezhiyan
Government Advocate



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ORDER

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Heard both sides.

2.The petitioner wants to sell the petition mentioned property in favour of one Latha. The sale deed dated 07.02.2024 was presented before the respondent. The respondent declined to entertain the document. The impugned refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3.It is seen that the only reason for declining to register the document was the pendency of an enquiry before the jurisdictional Revenue Divisional Officer in respect of the subject property. The respondent could have refused registration if the petitioner had not fulfilled any of the statutory requirements. In this case, patta is very much in the name of the petitioner. The reason given by the respondent is patently unsustainable.

4.Therefore, the impugned refusal check slip is quashed. The matter is remitted to the file of the respondent. The respondent will



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issue notice to E.M.V.M.Banumathi / grandmother of the petitioner herein who is the petitioner before the Revenue Divisional Officer.

Notice will be issued within 7 days from the date of receipt of a copy of this order. E.M.V.M.Banumathi will be given 2 weeks to produce any restraint order from the jurisdictional civil Court. If any restraint order is produced, the document in question cannot be registered. If no restraint order is produced by E.M.V.M.Banumathi, the document shall be accepted for registration and also registered subject to the fulfilment of the other usual formalities. I once again clarify that the pendency of an enquiry before the revenue authority cannot be a ground for refusing to register a document.

5.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2024

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

Note: Issue order copy on 11.03.2024.

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G.R.SWAMINATHAN, J.

MGA

To

The Joint Sub Registrar No.1,
Office of the Joint Sub Registrar,
Karaikudi, Karaikudi Taluk,
Sivagangai District.

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and
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