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W.P.(MD)NO.5903 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5903 of 2024 AND
W.M.P.(MD)Nos.5555 & 5557 of 2024

M.Sritirumalairaja

... Petitioner

Vs.

The Joint Sub Registrar II,
Palani,
Dindigul District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip issued by the respondent in RFL/2 No.Joint Sub Registrar Palani/17/2024 dated 27.02.2024 and quash the same as illegal and consequently direct the respondent to register the lease deed executed by the petitioner, subject matter of the impugned refusal slip within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.M.Senthil Ayyanar,
Government Advocate.

* * *

**ORDER**

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Heard both sides.

2. The petitioner wants to lease out the petition-mentioned property in favour of National Insurance Company. The lease deed was presented. The respondent refused registration. The respondent insisted that the petitioner must get NOC from the financier(Cholamandalam Finance). The original documents have been deposited with the financier. To this effect, the impugned refusal check slip was issued.

3. As rightly pointed out by the learned counsel appearing for the petitioner, the issue is no longer *res integra*. Obviously, the objection of the respondents is founded on the First Proviso to Rule 55A of the Registration Rules. It was struck down in W.P.(MD)No.2758 of 2023 vide order dated 08.02.2023 (Fedral Bank Ltd., V. The Sub Registrar, Pollachi). Therefore, the objection raised by the respondent is unsustainable. However, to ensure transparency in any transaction, the petitioner is directed to incorporate the recital in the lease deed setting out the aforesaid fact ((ie) deposit of title deed with the financier). The petitioner cannot be called upon to obtain NOC from the financier. The petitioner is permitted to re-present the lease deed by incorporating a



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recital as mentioned above. It shall be received, registered and released by the respondent subject to fulfilment of the other usual formalities.

This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2024

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

Note : Issue order copy on 18.03.2024.

To:

The Joint Sub Registrar II,
Palani,
Dindigul District.



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G.R.SWAMINATHAN,J.

PMU

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