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W.P.(MD)NO.6453 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6453 of 2024 AND
W.M.P.(MD)No.6034 of 2024

Subramanian

... Petitioner

Vs.

1. The Inspector General of Registration,
Mandhaveli, Chennai – 600 028.

2. The Joint Sub Registrar-I,
Palayamkottai,
Tirunelveli District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip of the second respondent dated 21.11.2023 in refusal No.RFL/1-Joint Sub Registrar, Palayamkottai/65/2023 quash the same and further direct the second respondent to register the sale deed executed in favour of the petitioner dated 28.06.2023 within a time frame to be fixed by this Court.

For Petitioner : Ms.V.Janaki Devi

For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader.

* * *



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ORDER

Heard both sides.

2. The petitioner wants to purchase the petition mentioned property. It was presented for registration before the second respondent. The registration was refused on the ground that one Rangasamy has filed suit against the petitioner's vendor and that it is still pending.

3. I have consistently held that only if any restraint order has been obtained from the jurisdictional civil Court, registration can be refused and that mere pendency of civil litigation cannot be a ground.

4. The impugned refusal check slip is quashed. The parties are permitted to re-present document and it shall be registered and released subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Index : Yes / No

Internet : Yes/ No

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To:

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Mandaveli, Chennai – 600 028.
2. The Joint Sub Registrar-I,
Palayamkottai,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

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