



W.P(MD)No.6706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6706 of 2024

1.Jameela

2.Maharibath Begam

3.Sheik Syed Mydeen

... Petitioners

Vs.

The Sub Registrar,
Sub Registrar's Office,
Burkitmanagaram,
Tirunelveli – 627 351.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in the impugned refusal check slip in RFL/Burkitmanagaram/10/2023 dated 10.04.2023 issued by the respondent and quash the same and consequently direct the respondent to Registrar General Power of Attorney dated 29.03.2023 executed by the petitioners.

For Petitioners : Mr.K.S.Muthu

For Respondent : Mr.S.Shanmugavel,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The petitioners herein joined together executed a power of attorney in favour the husband of the first petitioner. It was presented for registration. It was declined by citing the pendency of civil suit. Refusal check slip was issued to that effect. Challenging the same, this writ petition came to be filed.

3.The only question that calls for consideration is whether on the ground mentioned in the impugned refusal check slip registration can be refused.

4.The issue raised in this writ petition is no longer *res integra*. My attention is drawn to the order dated 29.02.2024 made in W.P(MD)No.4718 of 2024 (M.Govindaraj Vs The Registrar, Bodinayakkanur Sub Registrar Office, Bodiayakkanur, Theni). Paragraphs 4 and 5 of the said order read as follows:

“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



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interim order. If such an interim 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.”

5.The impugned refusal check slip is set aside and the writ petition is allowed on the same lines. No costs.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub Registrar,
Sub Registrar's Office,
Burkitmanagaram,
Tirunelveli – 627 351.



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G.R.SWAMINATHAN, J.

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