



W.P(MD)No.7577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7577 of 2024

and

W.M.P.(MD)Nos.6932 & 6933 of 2024

B.Poovendhiran

... Petitioner

Vs.

1.The Joint Registrar,
Joint SRO II,
Ramanathapuram.

2.Gomathi

3.Rajeshwari

4.Gowtham

5.Pappammal

6.Malarmari

7.Muthulakshmi

8.Sasikala

... Respondents

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 impugned refusal check slip under refusal number RFL / 2 dated 14.03.2024 passed by the 1st respondent and to quash the same as illegal and further to direct the 1st respondent to register the sale deed dated 14.03.2024 executed by



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the petitioner relating to the property under Old Survey Number 129/1A, New Survey No. 129/24, Soorakottai village, Soorakottai post, Ramanathapuram district.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.D.S.Nedunchezian
Government Advocate for R1

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the registering authority / R1. Issuance of notice to R2 to R8 is dispensed with.

2. The petitioner is having patta in his favour in respect of the petition mentioned land. The petitioner had executed the sale deed dated 11.03.2024 in favour of one Murugan. It was presented for registration before the first respondent. Citing pendency of the civil suit in which the registering authority has been shown as one of the defendants, registration was refused. The refusal check slip issued by the first respondent is clearly not sustainable. Only if the contesting parties have obtained restraint order, the registering authority would be justified in refusing registration. If all the other documents are in order, registration cannot be refused.



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3. In this view of the matter, the impugned refusal check slip is quashed.

The petitioner is permitted to re-present the document. If the private respondents produce any restraint order issued by the jurisdictional civil Court, then, registration can be refused and not otherwise.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

Index : Yes / No
Internet : Yes/ No
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To

The Joint Registrar,
Joint SRO II,
Ramanathapuram.



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G.R.SWAMINATHAN, J.

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