



W.P(MD)No.9262 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9262 of 2024

K.John Britto

... Petitioner

Vs.

The Sub Registrar,
Paramakudi Sub Registrar Office,
Paramakudi,
Ramanathapuram 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 relating to the impugned Refusal Slip issued by the Respondent in Serial No. 10/2024 dated 21.03.2024 and quash the same as illegal and consequently directing the Respondent to register the sale deed produced by the petitioner for registration in Serial No. 10/2024 dated 21.03.2024 within a time frame as fixed by this Court.

For Petitioner : Mr.A.Karthik

For Respondent : Mr.B.Sarangan
Additional Government Pleader



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ORDER

Heard both sides.

2. The petitioner wants to purchase the petition mentioned property.

The petition mentioned sale deed dated 21.03.2024 was executed in favour of the petitioner by one Nagaraj. The registering authority declined to register the document citing the pendency of the civil suit. Mere pendency of the civil suit cannot come in the way of registration. Only if the jurisdictional civil Court had restrained the registering authority from registering the document, the registering authority can say 'no' to the presentants. In this case, admittedly no restraint order had been received.

3. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document along with the vendor. If in the mean while no restraint order has been received from the jurisdictional civil Court, the document shall be registered and released subject to fulfilment of other usual formalities.

4. The Writ Petition is allowed. No costs.

04.06.2024

Index : Yes / No
Internet : Yes/ No
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To

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The Sub Registrar,
Paramakudi Sub Registrar Office,
Paramakudi,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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