



W.P(MD)No.9686 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9686 of 2024

V.Selvam

... Petitioner

Vs.

1.The District Registrar (Administration),
Registration Department,
Theni District.

2.The Sub-Registrar,
Theni.

... Respondents

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 relating to the impugned order passed by the 2nd respondent vide Refusal Number RFL/Theni/3/2024 dated 08.04.2024 and quash the same as illegal and consequentially to direct the 2nd respondent to register the sale deed presented by the petitioner within the time frame stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.B.Saravan,
Addl. Government Pleader.



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ORDER

Heard both sides.

2.The petitioner claims to be the owner of the property. He wants to sell the property in favour of V.Saranavakumar and Sindhiya. When the document was presented for registration, the impugned refusal check slip came to be issued. Challenging the same, the present writ petition came to be filed.

3.It is seen that the legal notice was received by the registering authority from one Law Firm based in New Delhi. They have enclosed a copy of the order dated 01.03.2024 passed by the Hon'ble Delhi High Court under Section 9 of the Arbitration and Conciliation Act, 1996. The said order reads that the petition has been dismissed as withdrawn and that the protection given by the Court would remain operative till 30.03.2024. Therefore, the second respondent was justified in hesitating to register the property. But then, the restraint order ceased to operate with effect from 01.04.2024. Only if any restraint order is received by the registering authority, he would be justified in declining to register the document. Admittedly, post 01.04.2024, till date, there does not appear to be any restraint order. I, therefore, permit the petitioner to



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re-present the document. If the registering authority has not received any restraint order in the meanwhile, the document in question shall be registered and released subject to fulfilment of other usual formalities.

4.In this view of the matter, the impugned refusal check slip is set aside and the writ petition is allowed. No costs.

04.06.2024

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

- 1.The District Registrar (Administration),
Registration Department,
Theni District.
- 2.The Sub-Registrar,
Theni.



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G.R.SWAMINATHAN, J.

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