



W.P(MD)No.15179 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15179 of 2024

M.Evangeline Mercy

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Valliyur,
Tirunelveli District.

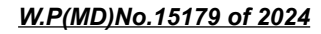
2.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600028.

... 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 records in pursuance of the impugned Refusal Check Slip in Refusal No. RFL/VALLIYUR/29/2024 dated 19.06.2024 by the 1st respondent in virtue of the 2nd respondents Circular No. 18223/C1/2013-4 dated 08.11.2013 and quash the same as illegal and consequently direct the 1st respondent to register the petitioners document in TP/184709435/2024 dated 19.06.2024 within a time stipulated by this Court.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader



Heard both sides.

2. The petitioner executed the gift deed dated 19.06.2024 in favour of her husband. The document was presented for registration. Registration was refused on the ground that in respect of the petition mentioned property, the sale agreement was already executed and registered. Challenging the refusal check slip, the present writ petition came to be filed.

3. The issue raised in the writ petition is *no longer res integra*. The Hon'ble Division Bench of the Madras High Court in the decision reported in **2020 (6) CTC 697 (N.Ramayee V. Sub- Registrar, Registration Department)** had already settled the issue. It was held that even if there is a registered sale agreement, that will not bar the petitioner from effecting any subsequent transfer in respect of the very same property.

4. Respectfully applying the said decision, I quash the impugned refusal check slip. The petitioner is permitted to re-present the document before the first respondent. It shall be registered and released subject to fulfilment of other usual formalities.



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5. The Writ Petition is allowed. No costs.

09.07.2024

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

1.The Sub Registrar,
Sub Registrar Office,
Valliyur,
Tirunelveli District.

2.The Inspector General of Registration,
100, Santhome High Road,
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G.R.SWAMINATHAN, J.

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