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W.P.(MD)NO.16123 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16123 of 2023 AND

W.M.P.(MD)No.13513 of 2023

Sasivarnam

... Petitioner

Vs.

1. The District Registrar,
Virudhunagar District Registration Office,
Virudhunagar.

2. The Sub Registrar,
O/o.the Kariyapatti Sub Registrar,
Kariyapatti, Virudhunagar District.

3. Mari

4. Amudha

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 29.05.2023 under refusal No.RFL/Kariyapatti/10/2023 on the file of the second respondent refusing to register the petitioner's sale deed dated 26.05.2023 and quash the same as illegal and arbitrary and further direct the second respondent to register the sale deed dated 26.05.2023 executed by the petitioner.

For Petitioner : Mr.S.Loganathan

For R-1 & R-2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

For R-3 & R-4 : Mrs.S.Prabha

* * *

**ORDER**

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Heard both sides.

2. The impugned refusal slip is put to challenge in this writ petition. The only reason set out in the refusal check slip is that the civil suit is pending among the family members. I have consistently held that only if any restraint order has been obtained from the jurisdictional civil Court, the registering authority will be justified in refusing registration and not otherwise. In this case, the private respondents have not obtained any restraint order. Therefore, the impugned refusal check slip is quashed. The petitioner is permitted to represent the document. If in the meanwhile, the private respondents obtained any interim injunction from the jurisdictional civil Court, the registering authority has to abide by the same. If there is no restraint order is received, the document shall be entertained and it shall be registered subject to fulfilment of the other usual formalities. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

1. The District Registrar,
Virudhunagar District Registration Office,
Virudhunagar.
2. The Sub Registrar,
O/o.the Kariyapatti Sub Registrar,
Kariyapatti, Virudhunagar District.



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G.R.SWAMINATHAN,J.

PMU

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