



WP(MD). No.20071 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.20071 of 2019
and WMP(MD) Nos.16602 and 16603 of 2019**

Sri Vignesh Finance
Partnership firm
rep. by its Managing Partner
K.P.Anbazhagan

... Petitioner

Vs

1. The Sub Registrar Krishnarayapuram,
Sub-Registrar Office,
Krishnarayapuram Tk.,
Karur District.

2. Kumar,
S/o.Late. Varadharajaperumal,
Kullampatti, Pothuravuthanpatti Post,
Krishnarayapuram Tk,. Karur -639119.

3. Balamani,
W/o. Late. Varadharajaperumal,
Kullampatti, Pothuravuthanpatti Post,
Krishnarayapuram Tk,. Karur -639119.

... Respondents



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PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records comprised in Refusal Check Slip in RFL/Krishnarayapuram/67/2019 dated 27.06.2019 issued by the 1st respondent and quash the same as arbitrary, illegal and ultra vires the scheme of Registration Act,1908 and consequently direct the 1st respondent to register the sale deed dated 27.06.2019 presented by the petitioner.

For Petitioner : M/s. K. Prabhakar,
For Respondents : Mr.P.Subbaraj for R1
Special Government Pleader
Mr.R.Murugan for R2
Mr.S.Ramasamy for R3

ORDER

Challenging the Refusal Check Slip dated 27.06.2019 issued by the 1st respondent as arbitrary, illegal and ultra vires the scheme of Registration Act,1908 and consequently to direct the 1st respondent to register the sale deed dated 27.06.2019 presented by the petitioner, the writ petition has been filed.



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2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. It is the case of the petitioner that one Rupa executed a sale deed with regard to her family properties with the petitioner herein under valid consideration. While so, the 2nd and 3rd respondents filed a suit and the 2nd respondent/2nd plaintiff has given objection to the 1st respondent not to register any document pertaining to the suit properties. Since the petitioner is a *bona fide* purchaser of the suit properties, the petitioner presented a document for registration. However, the same has been refused vide the impugned refusal slip.

4. At the outset, it is to be seen that the refusal check slip has been issued without referring to the said suit and the nature of the relief sought for. This Court is of the view that mere pendency of the suit is not a bar for transfer of properties. At the most, such transfer is subject to the result of the suit. In such view of the matter, the writ petition is allowed and the impugned order is set aside and the 1st respondent/registering authority is directed to register the document within seven days from the



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date of receipt of a copy of this order. No costs. Consequently
concerned Miscellaneous Petitions are closed.

06.08.2024

RR

TO

1. The Sub Registrar Krishnarayapuram,
Sub-Registrar Office,
Krishnarayapuram Tk.,
Karur District.



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N.SATHISH KUMAR,J

**ORDER
IN
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