



W.P.(MD)No.21291 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.21291 of 2024

and

W.M.P.(MD)No.18014 of 2024

Sukumaran

... Petitioner

/Vs./

1.The Sub Registrar,
Nainarkovil Sub Registrar Office,
Ramanathapuram District.

2.Manmuthu

3.Muthuirulandi Pillai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned refusal check slip No.RFL/Nainarkovil/5/2024 dated 29.08.2024 of the 1st respondent and to quash the same and consequently, to direct the 1st respondent to register the petitioner's sale deed dated 29.08.2024 within the time, that may be stipulated by this Court.



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For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.P.Subburaj (R1)
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip dated 29.08.2024 issued by the first respondent refusing to register the sale deed presented by the petitioner for registration on the ground that a civil suit in O.S.No.18 of 2024 on the file of the District Munsif Court, Ilayankudi, pertaining to the subject property is pending.

2. Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner and Mr.P.Subburaj, learned Special Government Pleader appearing for the first respondent. Since no adverse order is going to be passed against the private respondents, notice to them is dispensed with.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. This Court has consistently held that mere pendency of a civil suit is not a bar for the registration department from registering any document.

5. The learned counsel appearing for the petitioner would also submit that no injunction has been granted by any civil Court restraining the sellers, who have presented the documents for registration from selling the scheduled mentioned property in the sale deed.

6. The learned counsel appearing for the petitioner has also placed on record an order dated 08.08.2024 passed by this Court in WP(MD)No. 17207 of 2018, wherein under similar circumstances, by holding that the issue is no longer *res integra*, directed the registration department to register the sale deed, even though a civil suit is pending involving the subject property.

7. In view of the settled law, this writ petition is disposed of by directing the first respondent to register the sale deed dated 29.08.2024 presented by the petitioner subject to payment of stamp duty and



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registration charges on condition that the petitioner submits an affidavit before the first respondent that no interim injunction has been granted by any civil Court which includes the civil Court which is dealing with O.S.No.18 of 2024, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
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TO:-

1. The Sub Registrar,
Nainarkovil Sub Registrar Office,
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.21291 of 2024

Dated:
06.09.2024