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W.P.(MD)NO.22653 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22653 of 2023 AND

W.M.P.(MD)No.18886 of 2023

1. Paul Prasad
2. Arul Lawrence
3. Xavier Selvakumar

... Petitioners

Vs.

1. The District Registrar,
Cheranmahadevi Registration District,
Cheranmahadevi,
Tirunelveli District.

2. The Sub Registrar,
Mukoodal Sub Registry,
Mukoodal, Cheranmahadevi Taluk,
Tirunelveli District.

3. Jega Jeevan Ram
4. Parvathy
5. Venmathy
6. Palvarnakumari
7. Gomathi
8. Manikandan
(Through his curator and mother,
the seventh respondent herein)

9. Vence Abirami
10. Usha

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling



for the records pertaining to the impugned refusal check slip order made by the second respondent in refusal No.RFL/Mukoodal/61/2023 dated 16.08.2023 with regard to the property to the extent of Acre 11 cents 12 in Ayan punja survey No.202/1A 1B at Mukoodal Village and Mukoodal Sub Registry, Cheranmahadevi Taluk, Tirunelveli District and quash the same as arbitrary and consequently directing the second respondent to register the sale deed dated 16.08.2023 executed by respondents 3 to 9 in favour of the petitioners regarding the above property.

For Petitioner : M/s.S.T.Sasidharan Tamilkani

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

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Special Government Pleader appearing for the official respondents.

2. The contesting respondent / R-10 has been served and her name is also printed in the cause list. However, she has not chosen to enter appearance to oppose the writ prayer.



3. The petitioners herein have jointly purchased the petition mentioned property from respondents 3 to 9. The sale deed was presented for registration on 16.08.2023. The registering authority refused registration citing the pendency of O.S.No.90 of 2023 on the file of the Principal District Munsif, Cheranmahadevi. The registering authority also pointed out that he has been shown as a party in the injunction petition(I.A.No.3 of 2023). Challenging the impugned refusal check slip, the present writ petition came to be filed.

4. I have been repeatedly holding that a mere pendency of the civil suit cannot be a bar for registering their document. This would be the position even if the registering authority has been shown as a party respondent either in main suit or in IA, the objector must obtain restraint order. Only then the registering authority will not be justified in registering and not otherwise. In this case, there is no restraint order. When the impugned refusal check slip was issued, during the pendency of the writ petition, the position of the writ petitioners has been strengthened on 08.03.2024. The injunction application in I.A.No.3 of 2023 referred into in the impugned refusal check slip was also dismissed. The petitioner's counsel categorically asserts that no CMA has been filed



against the order dated 08.03.2024 passed by the trial Court.

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5. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document and it shall be registered and released subject fulfilment of the other usual formalities. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2024

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

To:

1. The District Registrar,
Cheranmahadevi Registration District,
Cheranmahadevi,
Tirunelveli District.
2. The Sub Registrar,
Mukoodal Sub Registry,
Mukoodal, Cheranmahadevi Taluk,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

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