



WP(MD). No.25226 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.25226 of 2024
and WMPMD) No.21424 of 2024**

Mohan Kumar

... Petitioner

Vs

1. The District Registrar,
Department of Registration,
Tuticorin..

2. The Sub Registrar,
Department of Registration,
Vilthikulam,
Tuticorin..

... 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 pertaining to refusal check slip No. RFL/Vilathikulam/189/2024 dated 05.09.2024 and quash the same as arbitrary illegal null and void and direct the respondent No. 2 to register the settlement deed dated 06.08.2024 in temp. No. TP/173001092/2024.

For Petitioner : Ms.P.Malini

For Respondents : Mr.P.Subbaraj

Special Government Pleader



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ORDER

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

2. The writ petition has been filed challenging the refusal slip of the 2nd respondent dated 05.09.2024 and direct the 2nd respondent to register the settlement deed.

3. According to the petitioner, the subject property is the ancestral property and his father and his mother settled the property in favour of their legal heirs and as such, he got the property. While so, when the petitioner presented a settlement deed for registration in favour of his wife, which was refused to be registered on the ground that in a suit filed in O.S.No.27/2023 before the Sub Court, Kovilpatti, a stay has been granted to the subject property. Therefore, challenging the same, the petitioner has filed this Writ Petition.



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4. At the outset, it is to be seen that the refusal check slip has been issued referring to the pending suit. 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. This aspect has been clearly held by the Division Bench of this Court in ***Subramani v. Sub Registrar and another [(2024) 3 MLJ 588]***. Therefore if any document is presented for registration, priority will be decided on the basis of the registration. Therefore, the refusal on the basis of it cannot be sustained in the eye of law.

5. In such view of the matter, the writ petition is allowed and the impugned order is set aside and the 2nd respondent/registering authority is directed to register the document within seven days from the date of receipt of a copy of this order. No costs. Consequently concerned Miscellaneous Petition is closed.



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5. In such view of the matter, the impugned refusal check slip issued by the 2nd respondent dated 24.09.2024 is quashed. The 2nd respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is allowed. No costs.

23.10.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Registrar,
Department of Registration,
Tuticorin..

2. The Sub Registrar,
Department of Registration,
Vilthikulam,
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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.25226 of 2024**

Date : 23/10/2024