



W.P(MD)No.25407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25407 of 2023

and

W.M.P(MD)No.14985 of 2024

A.Chellasamy

... Petitioner

Vs.

1.The District Registrar,
Palani,
Dindigul District.

2.No.1 Joint Sub Registrar,
Palani,
Dindigul District.

3.S.Chinnasamy

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings Refusal No. RFL/1 No Sub Registrar, Palani dated 06.10.2023 and quash the same and pass such other or further orders as this Court may deem fit and proper in the circumstances of this case.

(Prayer is amended vide order of this Court dated 01.08.2024 in W.M.P(MD)No.14983 of 2024)



W.P(MD)No.25407 of 2023

For Petitioner : Mr.F.Deepak
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
for R.1 & R.2
Mr.J.Lawrance for R.3

ORDER

Heard both sides.

2.The petitioner wants to sell the petition mentioned property. The sale deed was presented for registration. Registration has been refused by citing the objection raised by the third respondent. The refusal check slip is challenged in this writ petition.

3.It is seen that there is pending civil dispute between both the parties. The petitioner's vendor filed O.S.No.84 of 1993 on the file of Sub Court, Palani. The suit was decreed on 20.11.1995. It was an exparte decree. Interlocutory Application was filed for setting aside the same. It was dismissed. Challenging the same, the third respondent and one Veluchamy filed C.R.P.No.3892 of 1999 before the Principal Seat. The said Civil Revision Petition was dismissed on 18.01.2000.



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4.The third respondent had lodged complaint impeaching the character of the petitioner's parent deed. Till date, the third respondent has not obtained any restraint order against the petitioner. In these circumstances, merely because the third respondent is opposing the petitioner's document cannot be refused registration.

5.In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. The third respondent is given six weeks from today to obtain a restraint order. If during this period, the third respondent is able to obtain restraint order, registration cannot take place. If within the said period, the third respondent is unable to get restraint order, registration formalities shall go on.

6.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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G.R.SWAMINATHAN,J.

MGA

To

- 1.The District Registrar,
Palani,
Dindigul District.
- 2.No.1 Joint Sub Registrar,
Palani,
Dindigul District.

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