



W.P (MD).No.27228 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.27228 of 2024

Mohammed Yunus

... Petitioner

Vs.

The Sub-Registrar,
(Document Registration Department)
Kadambur Sub-Registrar Office,
Thoothukudi District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip in Rfusal No.RLF/கடம்பூர்/52/2024, dated 23.07.2024 passed by the respondent and quash the same and consequently direct the respondent to register the settlement deed presented by the petitioner dated 23.07.2024.

For Petitioner : Mr.S.Vishnuvardhan

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 23.07.2024 on the ground that the suit is pending in respect of the subject property.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The petitioner had purchased the property comprised in Survey No. 112/2, Maniyachi Village, Ottapidaram Taluk, Thoothukudi District to an extent of 2 acre and 75 cents by a registered sale deed, dated 14.11.2008 registered vide document No.1919/2008. Thereafter, the petitioner was also issued patta No.1132. Now, the petitioner had executed a settlement deed in respect of the subject property in favour of his brother on 25.06.2024 and presented for registration. However, the respondent had refused to register the same and issued the refusal check slip on the ground that in respect of the very same property there is a suit in O.S.No.236 of 2022 and it is pending on the file



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of the Principal District Munsif, Thoothukudi. It is seen that the petitioner's vendor's relatives filed a suit challenging the sale deed, dated 14.11.2008, that too, after a period of 14 years from the date of registration of the sale deed. It is a settled provision of law that mere pendency of the suit will not be bar for registering the document. The registration is always subject to the result of the suit. Since mere registration will not give an absolute right to any parties concerned and right of the parties only based on the right declared by the Civil Court. Therefore, the issue is no longer *res integra*. Further, this issue has already been dealt with by this Court in the case of ***Subramni vs. The Sub-Registrar and another in W.P.No.11056 of 2024.***

5. The above judgment is squarely applicable to the case on hand. Further, the petitioner has purchased the subject property on 14.11.2008 and the suit has been laid in the year 2022, that too, the relatives of the petitioner's vendor and they failed to obtain any interim order before the Civil Court and submitted an application in respect of the subject property. That apart, the petitioner is in possession and enjoyment of the subject property from the date of purchase. Thereafter, all the revenue records were mutated in his name and also issue a patta No.1132. Therefore, as of now, the petitioner had valid title.



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6. In view of the above, the impugned refusal check slip cannot be sustained and is liable to be quashed. Accordingly, the impugned refusal check slip dated 23.07.2024 is hereby quashed. The petitioner is directed to re-present the settlement deed for registration. On receipt of the same, the respondent is directed to register the sale deed presented by the petitioner and release the document forthwith.

7. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

14.11.2024

To

The Sub-Registrar,
(Document Registration Department)
Kadambur Sub-Registrar Office,
Thoothukudi District.



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G.K.ILANTHIRAIYAN, J.

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