



WEB COPY



W.P.No.633 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.633 of 2025
and
W.M.P.No.778 of 2025

C.Loganathan

... Petitioner

Vs.

1.Joint-I Sub Registrar, Coimbatore (North)
Office Of Joint -I,
Sub Registrar Coimbatore (North)
Coimbatore-641 018.

2.M/S.Hindusthan Infrastructure Projects And
Engineering Private Ltd,
(Earlier Known As R.A.G.Construction
And Real Estates Private Limited),
Rep By Its Authorised Representative
Mr.Ramesh, No.54, Richmond Road,
Bangalore-560025.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus, calling for
records of the Refusal check slip bearing Refusal Number.RFL/Coimbatore
North Joint 1/162/2024 dated 20.12.2024 issued by the 1st respondent and
quash the same and direct the 1st respondent to register the Sale Deed dated



W.P.No.633 of 2024

20.12.2024 and release the document subsequent to such registration to the petitioner.

For Petitioner : M/s.N.L.Rajah, Senior Counsel
For Respondents : M/s.C.Meera Arumugam, AGP
for the 1st respondent.

ORDER

Challenging the refusal check slip dated 20.12.2024 issued by the 1st respondent, the petitioner is before this Court.

Brief Facts:-

2. The petitioner had purchased the property, situate at Door No.1046, Avinashi Road, forming part of S.F.No.598, T.S.No.929/10, T.S.Block -14, T.S.Ward- A Anupparapalayam Village, Coimbatore Corporation North Part town, Coimbatore, measuring a total extent of 19934 sq.ft. (45.762 cents) with buildings thereon from the 2nd respondent under a sale deed dated 20.12.2024. When the sale deed dated 20.12.2024 was presented for registration before the 1st respondent, the 1st respondent had refused to register the same on the following grounds:-

"The vendor is the absolute owner vide sale deed dated 26.03.2002, Document No.987 of 2002. The said document was found after AEE inspection undervalued



and claim of Rs.9,44,36,633/- as additional duty was levied by the registration department and 47A1 in DRO Stamps Coimbatore. Further, this document is now pending in SLP filed by the registration department of Tamilnadu in the Supreme Court of India in Diary No.23982 of 2022"

Challenging the same, the petitioner is before this Court.

3. Heard Mr.N.L.Rajah, learned Senior counsel for the petitioner and M/s.C.Meera Arumugam, learned AGP accepting notice for the 1st respondent and perused the records.

4. The pendency of an SLP without any orders injuncting further sale will not act as a bar to the Registering Authority to proceed with the registration. The remit of the Registering Authority is only to verify the execution of the document and the identity of the executant and that apart verify as to whether the sale deed would fall under any of the categories set out in Sections 22-A and 22-B of the Registration Act. If the sale deed satisfies the above parameters, the Registering Authority is bound to register the document. Therefore, the refusal on the part of the 1st respondent to register the document is without any basis and that too on the



W.P.No.633 of 2024

basis of the pendency of an SLP is erroneous more particularly when no orders prohibiting sale/transfer has been obtained against the petitioner's vendor.

5. Accordingly, the Writ Petition is allowed. The impugned refusal check slip dated 20.12.2024 is set aside and the 1st respondent is directed to register the sale deed dated 20.12.2024 and release the same to the petitioner, subject to the ultimate result of the SLP(Civil) Diary No.23982 of 2022, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

20.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

Joint-I Sub Registrar, Coimbatore (North)

Office Of Joint -I,

Sub Registrar Coimbatore (North)

Coimbatore-641 018.

Note :-

Issue order copy today (i.e.22.01.2025)

P.T. ASHA. J.,

(shr)



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