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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3840 of 2025
and WMP No.4252 of 2025

Palanisamy
Vs.

..Petitioner

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai 600 028

2. The District Registrar,
District Registrar Office,
Namakkal District.

3. The Sub Registrar,
Paramathi Sub-Registration Office,
Namakkal District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in respect of the order vide Na.Ka.No.198/A2/2024 dated 3.4.2024 quash the same and consequently direct the respondents to return the registration fee previously paid on 2.1.2019 for pending Document Number-



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P/Paramathy/1/2019 before the 3rd respondent

For Petitioner : Mr.P.Neelavathi

For Respondents : Mr.M.Shahjahan
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 03.04.2024 and for a consequential direction to the respondents to return the registration fees that was paid by the petitioner on 02.01.2019, when the document was kept pending before the 3rd respondent.

2. Heard Mr.P.Neelavathi, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for Respondents 1 to 3.

3. The petitioner had earlier approached this Court and filed WP No.29636 of 2019 along with three others challenging the proceedings of the bank and for a consequential direction to issue No objection certificate to



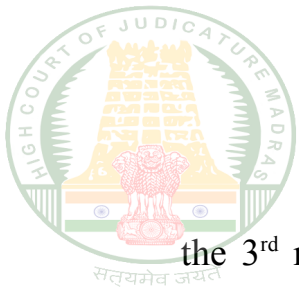
deal with the property, which is a document for deposit of title deeds for the purpose of obtaining the loan.

4. This Court by an order dated 03.04.2023 allowed the writ petition and the relevant portions are extracted hereunder :-

14. The aforesaid decisions are squarely applicable to the facts of the instant case. The law is well settled that mere pendency of suit cannot be a ground for not issuing the No Objection Certificate by the respondents, when there is no restraint order.

15. In view of the above, upon satisfaction of the Legal Heirship Certificate produced by the petitioners 3 and 4 and also the shares of the petitioners 3 and 4, the 4th respondent is directed to entertain the documents submitted by the petitioners 3 and 4 and shall issue No Objection Certificate, after hearing all the legal Heirs of the deceased Muthusamy Gounder.

5. Pursuant to the above order, the document was registered by



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the 3rd respondent upon payment of stamp duty and registration charges. The petitioner made a representation requesting for the refund of the registration charges which was earlier paid when the document was kept pending by the 3rd respondent. The same has been refused / rejected on the ground that such claim is barred by the period specified under Rule 180 of the Tamil Nadu Registration Rules [*hereinafter called as the “Rules”*].

6. In the considered view of this Court, Rule 180 of the Registration Rules will not have any application to the facts of the present case. The fact remains that the registration itself was done only after the orders were passed by this Court on 03.04.2023 and at that point of time, registration charges were once again collected from the petitioner and hence, registration charges which was already paid ought to have been refunded to the petitioner. The same cannot be denied by placing reliance upon Rule 180 of the Rules. In fact, the Rule 178 of the Rules will apply in this case and the registration fees that was already collected ought to have been refunded or adjusted towards the subsequent registration fees that was collected from the petitioner.



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7. In the light of the above discussion, this Court has no hesitation to interfere with the proceedings of the 2nd respondent dated 03.04.2024 and accordingly, the same is hereby quashed. There shall be a direction to the 2nd respondent to return back the registration fees previously collected on 02.01.2019, when the document was kept pending before the 3rd respondent. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. In the result, this writ petition is allowed with the directions.

No costs.

10.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

rka

To

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No.100, Santhome High Road,
Pattinapakkam,
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