



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.5264 of 2025
and W.M.P.No.5837 of 2025

Chinnammal

... Petitioner

Vs.

The Sub Registrar Joint II
Integrated Complex,
Salai Vinayagar Road,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondent in the refusal Check Slip baring RFL/2 No.Joint Sub Registrar Dharmapuri/170/2024 and dated 09.12.2024, quash the same as illegal and consequently direct the Respondent to register the sale deed dated 15.11.2024.

For Petitioner : Mr.V.B.Gowwtham Thelak

For Respondents : Mr.B.Vijay
Additional Government Pleader



ORDER

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This writ petition has been filed challenging the refusal Check Slip issued by the respondent dated 09.12.2024 and for a consequential direction to the respondent to register the Sale Deed dated 15.11.2024.

2.Heard Mr.V.B.Gowwtham Thelak, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of respondent.

3.The case of the petitioner is that she has purchased the subject property from the vendors through a registered Sale Deed dated 15.11.2024. When this Sale Deed was presented for registration before the respondent, the respondent refused to register the Sale Deed by issuing the impugned refusal Check Slip stating that the property that is sought be to conveyed under the Sale Deed has been attached in the arbitration proceedings in IA.No.01 of 2022 in Arb.No.DHMBR/7/2022. The attachment order is also reflected in the Encumbrance Certificate. In view of the same, the Sale Deed that was presented for registration was not registered.



4. In the considered view of this Court, the petitioner or the vendor are not parties to the arbitration proceedings and that apart, the subject property is situated under S.No.166/2A5 and what has been attached is not this particular property. This Court has repeatedly held that insofar as the order of attachment is concerned, it is only binding on the parties to the proceedings and that cannot be made as a ground for refusing to register the Sale Deed. Useful reference can be made to the judgement of this Court in ***C.Govindasamy and another vs. The Sub Registrar-II, Gobichettipalayam, No.18, Old Hospital Road, Gopichettipalayam and others*** reported in ***2020 SCC Online Mad 27971***.

5. In the light of the above, the impugned refusal Check Slip issued by the respondent is hereby quashed and there shall be a direction to the respondent to register the Sale Deed dated 15.11.2024, if it is otherwise in order.

6. In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

24.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

SSR

To

The Sub Registrar Joint II
Integrated Complex,
Salai Vinayagar Road,
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