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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 6952 of 2025

Gowri

Petitioner(s)

Vs

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

2.The Registrar
Joint SRO II, Kaccheri Road,
Myladuthurai Town,

3.Paramasivam

Respondent(s)

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 pertaining to the impugned order RFL/2 No Sub registrar /Mayiladuthurai /18/2022 dated 28.03.22 passed by the 2nd respondent herein refusing the registration of the sale deed presented for the registration and quash the same and



consequently directing the 2nd respondent to register the document sale deed dated 28.03.2022 in respect of her property situated in NEw Survey No. 313/21 old Survey NO. 260/1A to the extent of 0.12 cents 5232 sq.ft situated at keelmaruthathanalur village, Myladuthurai taluk, Myladuthurai District and pass.

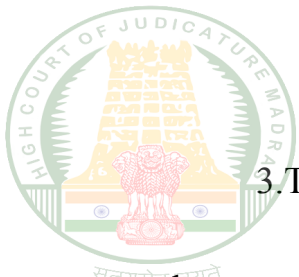
For Petitioner(s): Mr.A.Rajamohamed

For Respondent: Mr.B.Vijay
Additional Government Pleader
for R1 & R2

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the 2nd respondent dated 28.03.2022 and for a consequential direction to the 2nd respondent to register the Sale Deed dated 28.03.2022 in respect of the subject property.

2.Heard Mr.A.Rajamohamed, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of respondents 1 and 2.



3. The refusal Check Slip has been issued by the 2nd respondent mainly on the ground that the 3rd respondent became the owner of the subject property by virtue of a Release Deed dated 24.07.2009 and a suit has also been filed in O.S.No.58 of 2022 on the file of the Additional Sub Court, Myladuthurai seeking for a declaration questioning the title of the petitioner.

4. On going through the materials, it is quite evident that the subject property in new S.No.313 of 2021 (Old S.No.260/1A) measuring an extent of 0.12 cents (i.e., 5232 Sq.ft) was purchased by the petitioner through a registered Sale Deed dated 04.03.1999 registered as Document No.152 of 1999. The very same property was dealt with by three persons viz., Thiruvengadam, Paramasivam and Velayutham and a Release Deed came to be executed on 24.07.2009 touching upon the very same property. By virtue of this Release Deed, Thiruvengadam and Velayutham decided to release their shares in favour of Paramasivam who is the 3rd respondent in this writ petition. Thereafter, the 3rd respondent has filed a suit for declaration and partition which is pending. When the petitioner wanted to deal with the property, the 3rd respondent had given a



protest petition and considering the fact that the suit is pending, the 2nd respondent has refused to register the document.

5.In the considered view of this Court, the mere pendency of the suit is not a ground to refuse registration. This is more so since the petitioner became the owner of the subject property in the year 1999 and whereas, the same property was dealt with by three persons in the year 2009 and a Release Deed was executed in favour of the 3rd respondent. In the absence of any restraint order passed by the Civil Court, there is no question of stopping the registration of the document and in any case, such registration of document will be subject to the final result in the suit. The law on this issue was dealt with by this Court in *A.Abdullasa vs. Inspector General of Registration, No.120, Santhome High Road, Chennai 600 026* reported in *2021 (2) CWC 451*.

6.In the light of the above discussion, the impugned refusal Check Slip issued by the 2nd respondent dated 28.03.2022, is hereby quashed and there shall be a direction to the 2nd respondent to entertain the Release Deed and register



the same, if it is otherwise in order. It goes without saying that this registration will be the subject to the final result of the pending suit.

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7. In the result, this writ petition stands allowed with the above directions.

No Costs.

03-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR

To

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

2. The Registrar
Joint SRO II, Kaccheri Road,
Myladuthurai Town,



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N.ANAND VENKATESH J.

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