



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.526 of 2018

and

WMP (MD) No.521 of 2018

K.Venkatesan

... Petitioner

Vs.

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2. The Tahsildar,
Thottiyam,
Thottiyam Taluk,
Trichy District - 621 215.

3. The Sub Registrar,
Kattuputhur Sub Registration Office,
Kattuputhur, Thottiyam Taluk,
Tiruchirapallai District.

4. The District Registrar,
Department of Registration,
Tiruchirapalli District,
Tiruchirapalli.

5.M.Kalliannan

6.Kuppusamy

... Respondents

Petition filed under Article 226 Constitution of India to issue a writ of Certiorarified Mandamus to call for the impugned order passed by the third respondent dated 21.08.2017 under Reference Objection Petition No.10/2017 and quash the same as illegal and consequently forbearing the third respondent from the registration of any document if submitted by the respondents 5 and 6 in future in respect of the property bearing Village Punja Survey No.487/2 measuring to an extent of Acre 0.90 cent in Acre 7.00 situated at Tholurpatti Village, Thottiyam Taluk, Tiruchirapalli District.



For Petitioner

: Mr.S.Palani Velayutham

For R1 to R4

: Mrs.J.Padmavathi Devi
Special Government Pleader

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ORDER

This writ petition has been filed challenging the order passed by the Sub Registrar/third respondent herein, refusing to accept the petitioner's request to stop registration of documents if any submitted by the respondents 5 and 6.

2.Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner and Mrs.J.Padmavathy Devi, learned Special Government Pleader for the respondents 1 to 4. In view of the order going to be passed hereunder, no notice is required to the respondents 5 and 6.

3.According to the petitioner, the respondents 5 and 6 have filed a suit against the petitioner in O.S.No.32 of 2010 on the file of the District Court, Tiruchirapalli and the said suit has been decreed in their favour. Challenging the same, the petitioner has preferred an appeal in A.S(MD)No.22 of 2015 before this Court and the same is pending. Pending appeal, the respondents 5 and 6 are taking steps to transfer the property in question. Hence, the petitioner has filed a petition before the third respondent, requesting not to register any document, if any submitted by the respondents 5 and 6. But the same has been rejected by the third respondent on the ground that there is no provision under the Registration Act to stop registration. Challenging the said order, this writ petition has been filed.

4.I have heard the submissions made on either side and perused the records carefully.

5.Admittedly, the petitioner has suffered a decree and challenging the same, an appeal is pending before this Court. Pending appeal, if at all any transfer is made by the parties, definitely, it would hit by Section 52 of the Transfer of Property Act, 1882, and the Registrar has no power to stop registration merely on the ground that an appeal is pending.

6.In the above circumstances, I find no merit in the writ petition and the same is dismissed accordingly. No costs. Consequently, WMP(MD)No.521 of 2018 is closed.

Sd/-

Assistant Registrar(CS-III)



To

1. The District Collector,
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Trichy District - 621 215.

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Thottiyam Taluk,
Tiruchirapallai District.

4. The District Registrar,
Department of Registration,
Tiruchirapalli District,
Tiruchirapalli.

+ 1 cc TO Mr.S.Palani Velayutham , Advocate in SR No. 41911
+ 1 cc TO The Special Government Pleader in SR No. 41752

mj

AE/MR/SAR4/29.01.2018/3P/7C

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