

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10709 of 2020

Jeeva

... Petitioner

Vs.

1. The District Collector,
Thirupathur District,
Thirupathur.
2. The Sub Collector,
Sub Collector Office,
Thirupathur District.
3. The Sub Registrar,
SRO, Natrampalli,
Thirupathur District.
4. K.Ravi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 30.05.2020 and allow the petitioner to register her sale deed in regarding her property situated at the Punja Land bearing S.No.206/5 Patta No.1733, Mookkanur Village, Natrampalli Taluk, Thirupathur District forthwith.

For Petitioner : Mr.M.P.Saravanan

For Respondents: Mr.Annai Ezhil,
Government Advocate for R1 & R2
Mr.T.M.Pappiah,
Special Government Pleader for R3

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O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 30.05.2020 and to allow the petitioner to register the Sale Deed with regard to the subject property.

2.The case of the petitioner is that he is the absolute

owner of the subject property. There is a dispute between the petitioner and the fourth respondent and a suit is also pending on the file of the Principle District Munsif Court, Thirupathur in O.S.No.105 of 2012.

3.The fourth respondent seems to have approached this Court seeking for grant of assignment patta in his favour and this Court by an order dated 01.06.2015 directed the authority to consider the same. The request made by the fourth respondent was rejected. Thereafter, the petitioner has approached the Civil Court and the suit is still pending before the Civil Court.

4.The petitioner wanted to deal with the property and had executed a Sale Deed with respect to the subject property. This document was not received by the third respondent since the first respondent has directed the third respondent not to register any document with respect to the subject property, till the disposal of the suit. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate direction.

5.Mr.Annai Ezhil, learned Government Advocate appearing on behalf of the respondents 1 and 2 brought to the notice of this Court the written instructions received by him. It is seen from the written instructions that the second respondent seems to have given instructions to the third respondent by an order dated 26.02.2020, not to register any document until further orders.

6. Heard Mr.M.P.Saravanan, learned Counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the third respondent.

7.This Court is perplexed in the manner in which the second respondent has assumed the jurisdiction, which he does not possess. It is not known as to how the Sub Collector can direct the Sub Registrar not to register a document on the ground that there is a private dispute between the petitioner and the fourth respondent, before the Civil Court. The second respondent ought not to have poked his nose into a private dispute between the petitioner and the fourth respondent. The letter given by the second respondent on 26.02.2020 is more in the nature of an order of Interim Injunction restraining the petitioner from dealing with her property. The second respondent has virtually usurped the powers of a Civil Court and has given such a illegal direction to the third respondent.

8.In the considered view of this Court, the dispute between the petitioner and the fourth respondent has to be resolved only before the Court where the suit is pending in O.S.No.105 of

2015. Unless and otherwise there is any interim order passed by the Civil Court, none of the official respondents can refuse to register a document merely on the ground that a suit is pending. The instructions given by the second respondent to the third respondent by letter dated 26.02.2020 is illegal and non est in the eye of law. Even if any transactions is entered into by the petitioner during the pendency of the suit, the doctrine of lis pendens will automatically come into play.

9. In view of the above discussions, there shall be a direction to the third respondent to receive the documents submitted by the petitioner and to register the same, if it is otherwise in order. It goes without saying the petitioner will pay necessary stamp fee and registration charges for the purpose of registering the documents before the third respondent. After registration, the document shall be released to the petitioner.

10. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vr

To

1. The District Collector,
Thirupathur District,
Thirupathur.
 2. The Sub Collector,
Sub Collector Office,
Thirupathur District.
 3. The Sub Registrar,
SRO, Natrampalli,
Thirupathur District.
- +2cc to the Government Pleader, Sr.Nos.26998 and 27033

W.P.No.10709 of 2020

SSV(CO)
GS(28/08/2020)