

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.NO.17515 OF 2020

&

WMP.NO.21696 OF 2020

1. K.Mani
2. P.Paramasivan
3. D.Thiyagarajan

... Petitioners

Vs.

1.The District Registrar,
Thiruppur District,
Thiruppur.

2.The Sub Registrar,
Palladam, Thiruppur District.

... Respondents

Prayer:

Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order made in Refusal Check Slip No.RFL/Palladam/28/2020 dated 20.10.2020 passed by the 2nd respondent, quash the same and consequently direct the second respondent to register the Settlement Deed dated 20.10.2020.

For Petitioner : Mr.A.Saravanan

For Respondents: Mr.T.M.Pappiah, Spl.Govt.Pleader

O R D E R

On consent given by either side, the main writ Petition itself has been taken up for final hearing.

2. This Writ Petition has been filed challenging the Refusal Check Slip dated 20.10.2020 issued by the 2nd respondent dated 20.10.2020 and to direct the 2nd respondent to register the Settlement Deed.

3. The case of the petitioners is that they have jointly purchased the subject property by virtue of a registered sale deed dated 19.9.2018. The further case of the petitioners is that the patta has also been granted in their favour in patta No.2888. The petitioners wanted to execute a Settlement Deed in favour of their son and daughters and the same was executed through a Settlement Deed dated 20.10.2020. The grievance of the petitioners is that the document was not registered by the 2nd respondent on the ground that a suit is pending in O.S.No.632 of 2019, on the file of the District Court, Thiruppur and which has been filed by Govindammal claiming for the relief of declaration and permanent injunction against the petitioners. The said Govindammal seems to have given a protest petition before the 2nd respondent, which resulted in the 2nd respondent issuing the impugned refusal slip.

4. Heard Mr.A.Saravanan, learned counsel appearing for the petitioners and Mr.T.M. Pappiah, learned Special Govt. Pleader appearing for the respondents.

5. It is seen from records that the petitioners are tracing their title by virtue of a registered sale deed dated 19.09.2018. The patta also stand in the name of the petitioners. The petitioners have presented the settlement deed along with the original document even as per the averments made in the affidavit filed in support of the writ petition. The 2nd respondent has refused to register the settlement deed only on the ground that a suit is pending before the Civil Court.

6. In the considered view of this Court, the mere pendency of a suit before a competent Civil Court is not a ground to refuse registration. Any conveyance that is done during the pendency of the suit will always be subject to the final result in the suit. Therefore, the 2nd respondent ought not to have refused to register the document merely on the ground that there is a pending suit, without there being any interim orders passed by the concerned Court, preventing any alienation. In view of the above discussion, the impugned refusal check slip issued by the 2nd respondent is hereby quashed and there shall be a direction to the 2nd respondent to register the Settlement Deed dated 20.10.2020, if it is otherwise in order and subject to the

payment of stamp duty and registration fees. This order will not have any bearing in the competent suit deciding the suit on its own merits and in accordance with law.

7. This Writ Petition is allowed with the above directions. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Registrar,
Thiruppur District,
Thiruppur.
2. The Sub Registrar,
Palladam, Thiruppur District.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.40016

+1cc to the Government Pleader, S.R.No.40388

W.P.No.17515 of 2020

EV(CO)
CS/20/01/2021



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