

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.6362 of 2021

R.Ayyadurai

...Petitioner

-Vs-

1. The Inspector General of Registration,
Office of the I.G. of Registration,
No.100, Santhom High Road,
Chennai - 600 028.

2. The District Registrar,
O/o the District Registrar,
Kallakurichi & District.

3. The Sub-Registrar,
O/o. the Sub-Registrar,
Chinnasalem,
Kallakurichi District.

4.D.Shanmugavel

5.P.Pushpam

6.R.Shakthivel

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd Respondent to consider the petitioner's Objection petition in Document No.PP/Chinnasalem 21/2021 in the light of the 1st Respondent's circular in Na.Ka.No.39708/C1/2018 Dated 04.10.2018 within the time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Balamanikandan

For R1 to R3 : Mr.T.M.Pappiah

Special Government Pleader

ORDER

The petitioner seeks a prohibition order against registration of a property comprised in Sy.Nos.150/1, 151/3, 148/10, 148/9, 270/2, 151/1, 151/2, 269/4, 269/6 & 269/7 based on a circular issued by the Inspector General of Registration dated 04.10.2018 in Na.Ka.No.39708/C1/2018.

2.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the respondents 1 to 3.

3.The circular may be what it is, it still have to be made clear that the pendency of the litigation per se cannot be a ground to prevent the Sub Registrar from exercising his statutory responsibility of registering a document. Here, it is made clear that even the judicial interpretation of Section 52 of the Transfer of Property Act per se does not prohibit transfer of right over immovable properties, if it is involved in a litigation but, only makes such pende lite transfer subject to the final outcome of the litigation.

4.Hence, this Court considers that the prayer cannot be maintained. The petitioner is at liberty to approach the appropriate civil Court for appropriate remedies, if he is so desirous.

5.The Writ Petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Inspector General of Registration,
Office of the I.G. of Registration,
No.100, Santhom High Road,
Chennai - 600 028.
2. The District Registrar,
O/o the District Registrar,
Kallakurichi & District.
3. The Sub-Registrar,
O/o. the Sub-Registrar,
Chinnasalem,
Kallakurichi District.

+1cc to Mr.G.Balamanikandan, Advocate, S.R.No.15896.
+1cc to the Government Pleader, S.R.No.16702.

Order made in
W.P.No.6362 of 2021

SKY(CO)
CSR 31.03.2021