



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.23687 of 2021
and
WP.No.24933 of 2021

M.S.Sivakumar

...Petitioner

Vs

The Joint Sub Registrar No.I,
Office of Sub Registrar,
Salem East, Salem

...Respondent

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records with respect of the impugned proceedings of the respondent dated 09.08.2021 and quash the same consequently direct the respondent to register the sale deed dated 06.08.2021 which has been presented for registration before the respondent on 09.08.2021 within a stipulated period as fixed by this Court.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for records with respect of the impugned proceedings of the respondent dated 09.08.2021 and quash the same consequently direct the respondent to register the sale deed dated 06.08.2021 which has been presented for registration before the respondent on 09.08.2021 within a stipulated period as fixed by this Court.

2.The petitioner owned property to an extent of 1/3 undivided share over the property comprised in SF.No.113/3, new SF.No.115/2, Thadampatti Village, Salem District. While being so, one Joint Matriculation Higher Secondary School represented by its Correspondent, M.S.Ravikumar filed suit in OS.No.345 of 2020 on the file of the Principal District Munsif Court, Salem for permanent injunction. He also filed application in IA.No.4 of 2021 to restrain the petitioner from trespassing or



interfering or disturbing with the peaceful possession and enjoyment of the subject property and also restrain the petitioner from in any way alienating or encumbering or transferring the subject property to the third parties. While being so, the said application was duly contested by the petitioner and the learned Principal District Munsif partly allowed the interim application in I.A.No.4 of 2021 in OS.No.345 of 2020 by order dated 31.08.2021, thereby allowed part of interim application and insofar as part of interim injunction i.e. alienation of the property, the learned Principal District Munsif rejected the same and observed that the court below cannot curtail the right of the petitioner from alienation of the subject property. While pending the said application, the petitioner presented the document for sale through his power of attorney before the respondent herein for registration on 06.08.2021. However, the respondent returned the same for the reason that the suit is pending for alienating the subject property. Now by order dated 31.08.2021, the petitioner can alienate the property.

3. Considering the same, the impugned order is liable to be set aside and accordingly, the impugned order dated 09.08.2021 is set aside and the writ petition is allowed. The petitioner is directed to present the document for registration in respect of the subject property. On receipt of the same, the respondent is directed to issue notice to the counter party and after giving them opportunity of hearing and pass appropriate orders to register the document presented by the petitioner herein. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

lok

To

The Joint Sub Registrar No.I,
Office of Sub Registrar,
Salem East, Salem

+1cc to the Government Pleader, S.R.No.57889

WP.No.23687 of 2021

NK(CO)
RGA(24/11/2021)