



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

**W.P. (MD) No.1516 of 2021**

**and**

**W.M.P. (MD) No.1302 of 2021**

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K.Radhakrishnan

.. Petitioner

Vs

1.The District Registrar,  
Registrar Office,  
Combined Court Buildings,  
Contonement,  
Tiruchirappalli.

2.The Sub Registrar,  
Sub Registrar's Office,  
Lalgudi, Lalgudi Taluk,  
Tiruchirappalli District.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication of the 2<sup>nd</sup> respondent dated 12.03.2020 in Refusal No. RFL/Lalgudi/65/2020 and quash the same and directing the 2<sup>nd</sup> respondent to register the documents styled as sale Deed dated 11/03/2020 bearing pending Regn. No. TP/89202794/2020 (in favour of Smt. Syamala) executed by the petitioner which has been presented for registration on 12/03/2020 in accordance with law.

For Petitioner : Mr.R.Sundar Srinivasan

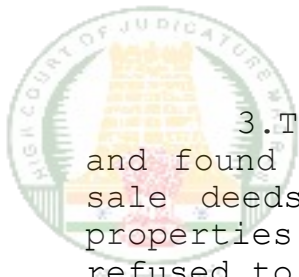
For Respondents : Mr.K.Sathiya Singh

Additional Government Pleader

### **ORDER**

Challenging the refusal order passed by the 2<sup>nd</sup> respondent in regard to the registration of documents presented by the petitioner, namely, two separate sale deeds, on the ground that the properties are the part of the partition suit in O.S.No.90 of 2016 on the file of the 2<sup>nd</sup> Additional Sessions Judge, Tiruchirappalli, the present writ petition has been filed.

2.When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would submit that the subject matter of the sale deeds for registration is the subject matter of the partition suit pending before the civil Court and therefore, the 2<sup>nd</sup> respondent rightly refused to register the documents presented by the petitioner. He would therefore submit that it is not open to the petitioner to challenge the same before this Court.



3.This Court has gone through the suit schedule properties and found that the properties, which are the subject matter of the sale deeds, are shown as Item Nos.4 and 5 in the suit schedule properties of the pending suit. Therefore, the 2<sup>nd</sup> respondent rightly refused to register the documents presented by the petitioner.

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4.As rightly contended by the learned Additional Government Pleader, proper remedy for the petitioner is to have recourse to the civil proceedings or wait for the outcome of the pending civil suit. However, it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India to challenge the refusal order passed the 2<sup>nd</sup> respondent, dated 12.03.2020.

5.In view of the position as narrated above, this Court finds that the Writ Petition is not maintainable and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar(CS)

To

1.The District Registrar,  
Registrar Office,  
Combined Court Buildings,  
Contonement,  
Tiruchirappalli.

2.The Sub Registrar,  
Sub Registrar's Office,  
Lalgudi, Lalgudi Taluk,  
Tiruchirappalli District.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate ( SR-8081[F] dated 02/03/2021 )

+1 CC to M/s.Additional Government Pleader ( SR-8240[F] dated 02/03/2021 )

W.P. (MD)No.1516 of 2021  
01.03.2021

SJ(CO)  
KB(15.03.2021) 2P 5C