



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.02.2021

CORAM:

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

W.P. (MD)No.2392 of 2021

S.Sundarraaj

... Petitioner

- Vs -

1.The District Registrar (Administration),
O/o the District Registrar,
Samathanapuram,
Tirunelveli,
Tirunelveli District.

2.The Sub Registrar,
O/o the Sub Registrar,
Valliyoor,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for records and quash the impugned order in Appeal No.5 of 2020, dated 31.12.2020 on the file of the first respondent herein confirming the order passed in Na.Ka.No.P13/2020 dated 17.08.2020 on the file of the second respondent herein and consequently direct the second respondent herein to register the document submitted by the petitioner for registration.

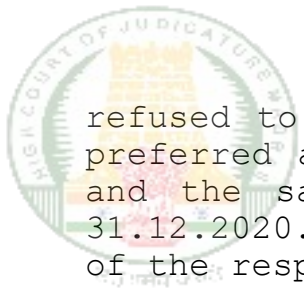
For Petitioner
For Respondents

: Mr.A.Thiruvadi Kumar
: Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

The case of the petitioner is that he purchased 25 cents of land comprised in Survey No.1718/3A1B in Kesavaneri Road, 11th Ward, Valliyoor North, Tirunelveli District, for a valuable consideration. After the purchase of the land, possession has been handed over to him and he has been in enjoyment and possession of the same uninterruptedly.

2.The petitioner presented the sale deed executed by his vendor in his favour for registration on 16.06.2020. According to the petitioner, he had paid proper registration fee and stamp duty for the purpose of registration of the document. However, the second respondent citing a pendency of O.S.No.328 of 2000 before the District Munsif Court, Nagercoil, vide order dated 17.08.2020



refused to register the document. As against that, the petitioner preferred an appeal to the first respondent in Appeal No.5 of 2020 and the said appeal also came to be dismissed vide order dated 31.12.2020. Challenging the original as well as the appellate order of the respondents, the petitioner is before this Court.

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3.The learned Counsel appearing for the petitioner would submit that the rejection to register the document is illegal and contrary to the standing order issued by the Registration Department as pendency of Civil proceedings before the trial Court and before this Court cannot be held against the registration. According to the learned Counsel for the petitioner, unless there is a specific direction from Courts restraining the registering authority from registering the property concerned, the authorities cannot lawfully refuse to register the same.

4.This Court has perused the impugned order, particularly, the order passed by the appellate authority dated 31.12.2020. In the penultimate paragraph of the appellate order, the appellate authority has clearly reasoned that this Court in M.P.(MD)No.1 of 2015 in C.R.P.(MD)No.1898 of 2015 has granted interim stay pertaining to the property which is the subject matter of the registration. When this Court has passed an interim order touching upon the property which is the subject matter of registration, the authority rightly refused to register the document as the authority cannot ignore the interim order of this Court and proceed to register the sale deed.

5.When the learned Counsel appearing for the petitioner was confronted as to whether the interim order passed by this Court is still subsisting and in force, the learned Counsel did not specifically deny the fact of interim order passed by this Court which is in force as on date. In that view of the matter, this Court does not think that the authorities refusing to register the document suffer from legal infirmity and in fact, the authorities are precluded or prevented from registering such documents when the property in question is locked up in a litigation pending before the trial Court as well as before this Court.

6.Therefore, this Court finds no merits in the Writ Petition. Hence, the same is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)



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+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-4472[F] dated 11/02/2021)

+1 CC to SPL GP (SR-4622[F] dated 11/02/2021)

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