



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.13218 of 2014
(Through Video Conference)

K.Navajeevan

...Petitioner

Vs.

1) The Deputy Inspector
General of Registration,
Integrated Registration Office,
Rajakambiram,
Y.Othakadai, Madurai District.

2) The District Registrar,
Periyakulam,
Theni District.

3) The Sub-Registrar,
Thevaram, Theni District.

4) G.A.M.Dhandapani

5) M/s Sterling Tree Magnum (India) Limited,
No.149, Rangarajapuram Main Road,
Kodambakkam, Chennai 600 024

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents No. 3 the Sub Registrar, Office of Sub- Registrar, Thevaram, Theni District to register the sale deed submitted by the petitioners on 21.04.2014 to effect sale in favour of M.Manoharan with respect of properties comprised in S.Nos. 596/4, 596/5, 597/2, 597/3, 597/6 and 597/7 admeasuring of 3.09.acres situated at Pottipuram village, Theni district and return the same to the petitioner following due procedures as contemplated under Indian Registration Act.

For Petitioner : Mr.M.Maharaja

For Respondents : Mr.K.Sathiyasingh

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus, directing the third respondent to register the sale deed submitted by the petitioner on 21.04.2014.



2. The case of the petitioner is that the subject properties were purchased by the petitioner by virtue of a registered sale deed dated 13.08.2010. Thereafter, the revenue records were also mutated in the name of the petitioner in patta Nos.3510 and 3511. The petitioner entered into a sale agreement with one Manoharan and thereafter, the sale deed was executed and was presented for registration before the third respondent on 21.04.2014. The third respondent refused to register the sale deed presented for registration by citing an order passed by this Court in W.P.(MD) No.4783 of 2011. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.M.Maharaja, learned counsel for the petitioner and Mr.K.Sathiyasingh, learned counsel appearing for the respondents.

4. It is seen from the records that the fourth and fifth respondents have entered into a Memorandum of Understanding and Agreement of Sale and there was some dispute between them, which ultimately was referred to Arbitration. The third respondent has refused to register the sale deed based on the orders passed by this Court in W.P.(MD) No.4783 of 2011 dated 20.01.2014. A careful reading of the order shows that the learned Additional Government Pleader appearing for the official respondents had submitted that the patta will not be transferred in the name of any other person, till the completion of Arbitration proceedings. The said submission was recorded by this Court and the Writ Petition was disposed of.

5. The petitioner is tracing his right by virtue of a registered sale deed dated 13.08.2010. According to the petitioner, his vendor has not entered into any agreement with any party and the petitioner continues to be the absolute owner of the property. Therefore, according to the petitioner, he cannot be bound by the Agreement between the fourth and fifth respondents and to stop the petitioner from dealing with his property will amount to his Constitutional rights being infringed.

6. It is an admitted case that there are no orders operating against the parties dealing with the properties. The undertaking given by the Additional Government Pleader before this Court only pertained to the the patta proceedings. That cannot be taken to the extent of preventing the petitioner from dealing with his property. The subject matter of dispute between the fourth and fifth respondents pertains to Agreement of Sale entered into between the parties.

7. The recent judgment of the Hon'ble Division Bench of this Court in **N.Ramayee vs. the Sub Registrar, Registration Department, Salem District** reported (2020) 5 LW 385 has settled the law on the issue and it was held that, a mere registration of an Agreement of



Sale by itself cannot be a bar, even if the owner of the property had entered into an Agreement, to deal with his property and the Registration Department cannot deny registration of the subsequent documents.

8. This Court took into consideration the concept of Lis Pendens and held that any transfer of property, during the pendency of any proceedings, will ultimately be subject to the result to the proceedings. This concept will also equally apply to the Arbitration proceedings, which is nothing but an alternate to the regular civil proceedings.

9. In view of the above discussion, this Court does not find any justification on the part of the third respondent to have refused to register the sale deed that was presented for registration by the petitioner. If at all, the fourth and fifth respondents want to make any objections, at the best it can only be to the extent of stating that the sale of the property will be subject to the result of the Arbitration proceedings between the parties. It must also be noted that the petitioner is not a party to the Arbitration proceedings.

10. In the result, this Writ Petition is allowed and there shall be a direction to the third respondent to entertain the sale deed presented for registration by the petitioner and register the same, if it is otherwise in order and if necessary stamp duty and registrations charges are paid. The document shall be released after registration. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

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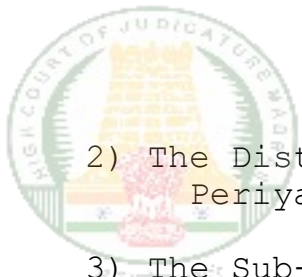
Sub Assistant Registrar(CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

- 1) The Deputy Inspector
General of Registration,
Integrated Registration Office,
Rajakambiram, Y.Othakadai, Madurai District.



2) The District Registrar,
Periyakulam, Theni District.

3) The Sub-Registrar,
Thevaram, Theni District.

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+1 CC to M/s.SPL GP (SR-16977[F] dated 21/04/2021)

Order made in
W.P. (MD) No.13218 of 2014

ES (CO)

TR(10.06.2021) 4P 5C