



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.20742 of 2021

R.Seethammal

... Petitioner

Vs.

The Sub Registrar
Thirupparankundram Sub Registrar Office
Thirupparankundram,
Madurai.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceeding of the Sub Registrar Thirupparankundram/Respondent made in RFL/Thirupparankundram/ 85/2021 on 22.10.2021 refusing the registration of sale agreement as document in his office and to quash the same as illegal and consequently directing the Respondent to register the sale agreement as Document regarding 1/4th share of the Petitioner's property comprised in R.S.No.155/1C, situated at Thirupparankundram Town Ward No.5, Chandrapalayam, G.S.T. Road, Thirupparankundram Taluk, Madurai District.

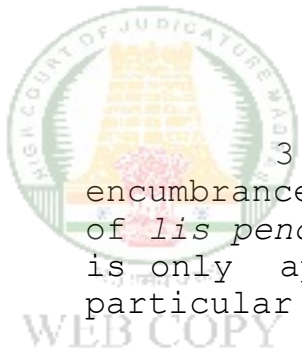
For Petitioner : M/s. Abiya
for Mr.N.Vallinayagam

For Respondent : Mr.J.John Rajadurai
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner was a litigant in O.S.No.46 of 2010 in which a preliminary decree has been passed on 07.01.2020 by the I Additional District Court, Madurai. Final decree proceedings are pending, which effectively means that the properties have not been divided by metes and bounds. The petitioner had now produced an agreement of sale for registration. The respondent had rightly refused registration, calling upon the petitioner to produce the parent documents.



3. At any rate since the civil suit is pending, any encumbrance created by the petitioner will be hit by the principles of *lis pendens* under Section 52 of the Transfer of Property Act. It is only appropriate that the petitioner first obtains leave of the particular Court before entering into any transaction.

4. The writ petition at this stage is not the answer. The writ petition is dismissed, giving liberty to the petitioner to approach the particular competent Court. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

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

The Sub Registrar
Thirupparankundram Sub Registrar Office
Thirupparankundram,
Madurai.

+1 CC to M/s.N. VALLINAYAGAM, Advocate (SR-35253[F] dated 19/11/2021)

+1 CC to M/s.SPL GP (SR-35318[F] dated 22/11/2021)

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MGJ(03.12.2021) 2P 4C