



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13479 of 2022

M/s.Signet Foundations
A Partnership Firm,
Represented by its Managing Partner
Mr.I.S.Haroon Baakshah

...Petitioner

Vs.

1. The Inspector General of Registration
No.100, Santhome Road,
Mylima Nagar,
Mandhaivelipakkam,
Rajaannamalaipuram,
Chennai - 600 028.
2. The District Registrar (Central Chennai)
No.268, Bharathi Salai,
Express Estate,
Roypettah,
Chennai - 600 014.
3. The Sub Registrar,
Purasaiwalkam Sub - Registrar Office,
No.93/21, Bricklin Road,
Otteri,
Purasaiwalkam,
Chennai - 600 010.
- 4.V.Balasubramani
- 5.S.Uma Maheswari
- 6.V.Parthasarathy
- 7.V.Sunthara Moorthy

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent's refusal notice dated 18.05.2022, under reference RFL/Purasawalkam/37/2022 and to quash the same as illegal and invalid, and to consequently direct the third respondent to register the sale deed as also the construction agreement, both dated 16.05.2022 presented by the petitioner for registration by the petitioner herein on



16.05.2022 in respect of the property bearing Old No.24, New No.48, Nallaiya Naidu Street, Namalwarpet, Chennai - 600 012, comprised in Old Survey No.578 and 590, R.S.No.3185/1 as per patta R.S.No.3185/ 15, Block No.56, C.C.No.7677 and 4917 of Purasawalkam Village, Perambur - Purasawalkam Taluk, Chennai District.

For Petitioner : Mr.Ashok Menon

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader
for RR1 to 3
M/s.S.Xavier Felix for R5 and R6
M/s.R.Prabu Ram for R7

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent's refusal notice dated 18.05.2022, under reference RFL/ Purasawalkam/37/2022 and to quash the same as illegal and invalid, and to consequently direct the third respondent to register the sale deed as also the construction agreement, both dated 16.05.2022 presented by the petitioner for registration by the petitioner herein on 16.05.2022 in respect of the property bearing Old No.24, New No.48, Nallaiya Naidu Street, Namalwarpet, Chennai - 600 012, comprised in Old Survey No.578 and 590, R.S.No.3185/1 as per patta R.S.No.3185/ 15, Block No.56, C.C.No.7677 and 4917 of Purasawalkam Village, Perambur - Purasawalkam Taluk, Chennai District.

2.The case of the petitioner is that the petitioner is the Managing Partner of M/s.Signet Foundations and is carrying on business as Building Contractors and Property Developers. The petitioner came to know through some Brokers that the premises bearing New No.48, Old No.24, Nallaiya Naidu Street, Namalwarpet, Chennai - 600 012, measuring an extent of 1 ground and 116 sq.ft. was available for sale. Thereafter the petitioner was introduced to seventh respondent who told him that the property originally belonged to his mother V.Krishnaveni Ammal and she settled the same in favour of his brothers V.Rengan and V.Parthasarathy and thereafter his mother and V.Rengan expired and the property is owned by respondents 5, 6 and 7.

3.The further case of the petitioner is that the petitioner asked for the relevant documents and sale deed dated 29.03.1966, settlement deed dated 04.04.2004, death certificate of V.Krishnaveni Ammal, legal heirship certificate dated 22.06.2015, death certificate of V.Prasad and death certificate



of V.Rengan were furnished to the petitioner. After perusing the aforesaid documents, the petitioner decided to purchase the property and purchased the same from respondents 5, 6 and 7 vide sale deed dated 07.01.2021 registered as Document No.65 of 2021 in the Office of the Sub Registrar, Purasawalkam. Thereafter, the petitioner intended to develop the property under the name and style of 'Signet Emerald' and approached the third respondent for registration of the relevant documents, however, the third respondent refused to register the same. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that in the absence of any restraint order as against the third respondent, the third respondent refusing to register the document presented by the petitioner is non est in law and further submitted that the issue involved in the present case has already been settled by this Court in the decision reported in 2021 (1) CTC 535 [Vadamugam Vellode Nalukarai Nattu Goundergal Sangam Vs. The Inspector General of Registration and Others].

5.The learned Special Government Pleader submitted that in the absence of any restraint order as against the third respondent, the third respondent refusing to entertain the document presented by the petitioner is not sustainable one.

6.The learned counsel appearing for the respondents 5, 6 and 7 jointly submitted that though the property was purchased by the petitioner from respondents 5, 6 and 7, the sale consideration was not passed on to the respondents. In the absence of sale consideration, sale deed relied upon by the petitioner is non est in law.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The facts in the present case is not in dispute. Admittedly, the petitioner purchased the subject property from respondents 5, 6 and 7 vide sale deed dated 07.01.2021 registered as Document No.65 of 2021 in the Office of the Sub Registrar, Purasawalkam. Respondents 5, 6 and 7 have not filed any suit as against the petitioner questioning the validity of the document executed by them. Subsequently, the petitioner came to know that the fourth respondent made representation to the official respondents to cancel the sale deed. However, as on date there is no restraint order as against the sale deed.

9.Further, the issue involved in the present case is no longer res integra. The issue involved in this writ petition has already been considered by this Court in its decisions



reported in 2021 (1) CTC 535 [Vadamugam Vellode Nalukarai Nattu Goundergal Sangam Vs. The Inspector General of Registration and Others] and in 2022 SCC OnLine Mad 1174 (P.Kandasamy Vs. Inspector General of Registration and Others), the relevant portion of which reads as follows:

(i) 2021 (1) CTC 535 [Vadamugam Vellode Nalukarai Nattu Goundergal Sangam Vs. The Inspector General of Registration and Others]:

"10. The 5th respondent has approached the Civil Court and he has filed O.S.No.48 of 2019, seeking for the relief of partition and separate possession of 1/27th share in the suit properties. It is also seen that the 5th respondent has filed yet another suit in O.S.No.58 of 2017 in which she has claimed for the relief of permanent injunction restraining the defendants not to alienate the suit properties. In both the suits, there is no order passed by the Competent Civil Court injuncting from dealing with the suit properties. What the 5th respondent was not able to achieve before the Civil Court is now sought to be achieved through the 3rd respondent by virtue of a letter given before this Court dated 21.02.2020. The 3rd respondent is a statutory authority, who has to strictly perform his function in accordance with law. This Court exercising its jurisdiction under [Article 226](#) of Constitution of India can never prevent a statutory authority from performing his function. Therefore unless and otherwise a competent civil Court passes any interim order restraining the alienation of the property, the 3rd respondent has to entertain the documents and register the same, if it is otherwise in order. Ultimately, even if the suit is decreed, the transaction will be subject to the rule of lis pendens. There is no law in force which says that no transaction can take place during the pendency of the suit. That is exactly why [Section 52](#) of the Transfer of Property Act, provides a solution for transactions that take place during the pendency of the suit.

11. In view of the above discussion, the impugned letter of the 3rd respondent dated



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21.02.2020 is hereby quashed and the 3rd respondent is directed to entertain the documents submitted for registration and register the same, if it is otherwise in order. It goes without saying that the necessary stamp duty and registration fee will be paid at the time of submitting the document for registration."

(ii)2022 SCC OnLine Mad 1174 (P.Kandasamy Vs. Inspector General of Registration and Others):

"24. Further, a learned single Judge of this Court, in Vadamugam Vellode Nalukarai Nattu Goundergal Sangam case (supra), in similar circumstances, considering the pendency of the suit, held that in the absence of any law, mere pendency of the suit will not bar taking place of any transaction and to that end Section 52 of the Transfer of Property Act provides a solution for transactions that take place during the pendency of the suit. Therefore, any encumbrance created during the pendency of the suit would be subject to Section 52 of the Transfer of Property Act.

25. From the above, it is amply clear that the petitioner had executed the settlement deed and presented the same for registration on 11.8.2021, much prior to the order of injunction on 7.3.22 and, therefore, the document is deemed to have come into force on the date of its execution, as held by the Hon'ble Apex Court in Hamda Ammal's case (supra) and that non-production of the original parent deed cannot be put against the party seeking registration of the document in view of the decision of the Division Bench of this Court in Ramayee's case (supra) and the pendency of the suit cannot bar a party from entering into subsequent transaction as held by this Court in Vadamugam Vellode Nalukarai Nattu Goundergal Sangam case (supra). Therefore, the three-fold contention raised on behalf of the 3rd respondent for objecting grant of relief to the petitioner does not merit acceptance. The petitioner having executed the settlement deed much prior to the order



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of injunction and the filing of the suit, the 2nd respondent ought to have entertained the settlement deed and registered the same as per Section 47 of the Registration Act and negating the prayer of the petitioner citing that the petitioner has not obtained the original documents from the 3rd respondent and filed it and also citing pendency of the suit for specific performance clearly shows that the order passed by the 2nd respondent is in clear violation of the orders passed by this Court and the same is wholly perverse, illogical, irrational and arbitrary and the same is liable to be set aside."

10.Hence, applying the ratio laid down in the decision cited supra, this Court is inclined to set aside the impugned refusal notice. Accordingly, the refusal notice dated 18.05.2022 issued by the third respondent is hereby set aside. The third respondent is directed to entertain the documents presented by the petitioner for registration, if it is otherwise in order and pass appropriate orders, after holding the enquiry inbetween the petitioner and the private respondents and after receipt of necessary stamp duty and registration charges.

11.The writ petition is accordingly allowed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Inspector General of Registration
No.100, Santhome Road,
Mylima Nagar,
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Otteri,
Purasaiwalkam,
Chennai - 600 010.

+2 Ccs to Mr. Ashok Menon, Advocate sr 37993.
+1 CC to Mr.S. Xavier Felix, Advocate sr 38321
+1 CC to The Government Pleader sr 38829.

W.P.No.13479 of 2022

EV(CO)
SP(24/06/2022)