



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5409 of 2022

WEB COPY

D.Lakshmi Narayanan

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Thanjavur District.

2.The Joint Sub Registrar,
No.1, Sub Registrar Office,
District Registrar Office,
Kumbakonam,
Thanjavur District.

3.Durairajan

4.Chithra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to register the sale agreement dated 07.02.2022 on the file of the second respondent executed by one V.Sandhoshkumar through his power agent K.Selvaraj to the petitioner and release the same by considering the petitioner's representation dated 11.03.2022.

For Petitioner	: Mr.R.Maheswaran
For Respondents 1&2	: Mr.J.John Rajadurai Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to register the sale agreement dated 07.02.2022 presented by the petitioner through his power agent K.Selvaraj based on the petitioner's representation dated 11.03.2022 within a time frame to be fixed by this Court.

2.The case of the petitioner is that the second respondent has refused to register the sale agreement dated 07.02.2022 presented by one V.Sandhoshkumar through his power agent K.Selvaraj in favour of the petitioner on the ground that a civil suit is pending in which the third and fourth respondents are the defendants.



3.Learned Counsel for the petitioner drew the attention of this Court to an order passed by the learned Single Judge of this Court on 15.03.2021 in the case of **D.Subramanian Vs. The Sub Registrar, Villupuram and another** in **W.P.No.5623 of 2021** and would submit that Section 52 of the Transfer of Property Act does not bar transfer of property, but only makes such transfer subject to the final outcome of the litigation. According to him, mere pendency of civil suit will not prohibit the respondents from registering any document presented by the petitioner for registration. The petitioner has already given a representation on 11.03.2022 to the second respondent requesting him to register the sale deed presented by the petitioner for registration, on the ground that there is no statutory bar for the second respondent to register the said document though a civil suit is pending pertaining to the very same property which is the subject matter of the agreement of sale. Admittedly, the said representation has not been considered till date.

4.No prejudice would be caused to the second respondent if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the third and fourth respondents and any other necessary party whom the second respondent deems fit to enquire.

5.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 11.03.2022 requesting the second respondent to register the sale agreement dated 07.02.2022 executed by one V.Sandhoshkumar through his power agent K.Selvaraj in favour of the petitioner in the light of the decision referred to supra and pass final orders on merits and in accordance with law within a period of two [2] months from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and the third and fourth respondents and any other necessary party whom the second respondent deems fit to enquire, including granting them the right of personal hearing.

6.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

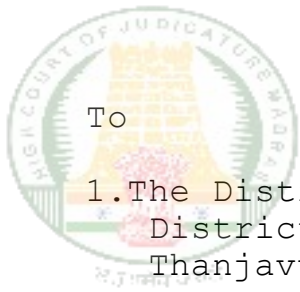
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Registrar,
District Registrar Office,
Thanjavur District.

2.The Joint Sub Registrar,
No.1, Sub Registrar Office,
District Registrar Office,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-15056[F] dated 29/03/2022)

ORDER MADE IN
W.P. [MD]No.5409 of 2022
28.03.2022

NSN (CO)
PA(06.04.2022) 3P 4C