



W.P(MD)No.27810 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27810 of 2022

G.Vijeshkumar

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Vallioor,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to forthwith register and release the sale deed dated 30.09.2022 pending on the file of the respondent, vide pending doc No.27/2022.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondent : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

Heard the learned counsel either side.

2. The petitioner has purchased the petition mentioned property from one Srojamani and her children through their power agent Selvakumar.



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Sarojamani's husband late.Muthu Krishnan was the owner of the property. It is seen that Sarojamani is figuring as defendant in O.S.No.19 of 2021 on the file of the first Additional District Judge, Tirunelveli. It is a money suit filed by one Micheal Malto. Since during the pendency of the suit, Muthukumar passed away, Sarojamani was impleaded as the legal heir of the deceased defendant. The question is whether on account of the pendency of the said civil suit, the respondent can decline to complete the registration formalities and release the document. It is not in dispute that in the said civil suit, no interim order was obtained restraining the Registrar from registering the document in question. The petition mentioned property is also not figuring in the suit schedule. More than anything else, the property was owned by Muthukrishnan. Muthukrishnan was never a party to the suit. It is only Muthu Kumar S/o. Muthukrishnan who was shown as the sole defendant. Following his demise, only in the capacity of the legal heir, Sarojamani has been brought on record.

3. In these circumstances, the respondent could not have declined to register or release the document in question. I therefore direct the respondent to forthwith register and release the petition mentioned sale deed dated 30.09.2022 subject to fulfilment of the usual formalities.



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4. The Writ Petition is allowed. No costs.

19.12.2022

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Office of the Sub Registrar,
Vallioor,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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