



WEB COPY



W.P.No.1507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.1507 of 2023

Evangeline Radhika

... Petitioner

Vs

1.IG Registrar,
Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
182, Bharathi Salai, Royapettah,
Chennai – 600 014.

3.The Sub-Registrar,
Joint Sub-Registrar-1,
Chennai Central,
Chennai – 600 014.

4.The Sub Registrar,
Thiruvottiyur SRO,
At No.21/8, Market Street,
Kaladipet, Thiruvottiyur,
Chennai – 600 019.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and dispose of the petitioner representation dated 29.11.2022 in accordance with law.



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For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.Yogesh Kannadasan
Spl. Govt. Pleader for R1 to R3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider and dispose of the petitioner representation dated 29.11.2022 in accordance with law.

2. Though such a prayer has been sought for in this writ petition, Mr.G.V.Sridharan, learned counsel appearing for the petitioner would submit that, already the petitioner filed a suit in O.S.No.3751 of 2021 on the file of the XI Assistant Judge, City Civil Court, Chennai on 26.05.2021, where, he seeks for a declaration to declare the settlement deed made by the petitioner's late father in favour of one third party viz., Sangeetha as null and void and also sought for a prayer for a permanent injunction restraining the 2nd defendant in the suit viz., Mrs.R.Sangeetha not to alienate the property in question or encumber the property.

3. Though such a suit has been filed in the year 2021 and it is pending the petitioner since has moved this writ petition as he



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apprehends that the said Sangeetha may encumber the property in question taking advantage of the settlement deed made in favour of her by his late father, the learned counsel for the petitioner submits that, in order to get such a relief from the Civil Court itself in the pending suit, the petitioner wants to file an interlocutory application immediately and once such application is filed, the same may be taken up by the concerned Civil Court on priority basis and orders may be passed by the Civil Court on merits and in accordance with law within a time frame that may be stipulated by this Court, if such a direction or observation is made by this Court and disposing this writ petition, the petitioner would be satisfied, the learned counsel contended.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents who would submit that, mere pendency of the civil suit will not be a bar for the Registering Authority to entertain a document for registration, provided if the document in question is otherwise in order and the person who executes the deed either by way of sale deed or settlement or gift or mortgage is having the right or title over the property in question on a *prima facie* satisfaction of the Registering Authority.



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5. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. As has been rightly pointed out by the learned Special Government Pleader for the respondents, the mere pendency of the civil suit filed by the petitioner would not stand in the way for the Registering Authority to entertain a document from the said Sangeetha, if she is able to establish *prima facie* that she is having the right of alienation of the property in question.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

It is open to the petitioner to file an interlocutory application, as submitted by the learned counsel for the petitioner, in the pending suit as referred to above at the earliest and if any such interlocutory application is filed, the concerned Judge i.e. XI Assistant Judge, City Civil Court, Chennai can entertain the said application and decide the same after hearing both the petitioner as well as



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the proposed respondents in the said interlocutory application, who are the defendants in the suit, on merits and in accordance with law, preferably within a period of two months from the date of admission of the said interlocutory application to be filed by the petitioner.

8. With this direction, this Writ Petition is disposed of. No costs.

23.01.2023

Index : Yes/No
Speaking Order : Yes/No

Note : Issue order copy on 25.01.2023
Sgl

To

- 1.IG Registrar,
Inspector General of Registration,
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Raja Annamalaipuram,
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R.SURESH KUMAR, J.

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