



WEB COPY

WP No.14051 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.14051 of 2023

P.Amudha

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of Registration,
Door No.50, Sankara Naidu Street,
Thiruppaththiripuliyur,
Cuddalore-607 002.
- 3.The District Registrar (Administration),
Kallakurichi District,
Integrated Department Office Campus,
Kacherry Road,
Kallakurichi,
Cuddalore-606 202.



4. The Sub Registrar,
Thiyagadurgam,
Opp. to Panchayat Office,
Salem-Chhennai Main Road,
Thiyagadurugam,
Kallakurichi-606 206.

5. V. Subramani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records connection to the impugned order passed by the second respondent in its proceedings dated 28.02.2022, vide File bearing No.Ka.No.3846/Uo/2021, quash the same, directing the fourth respondent to register the Sale Agreement dated 11.01.2023 presented by the petitioner for registration on 12.01.2023, which was refused by fourth respondent vide Refusal Number/Thiyagathuruvam/3/2023, dated 12.01.2023.

For Petitioner : Mr.J.Srinivasan

For Respondents-1 to 4 : Mr.S.Ravichandran,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to call for the records with reference to the order impugned passed by the second respondent in proceedings dated 28.02.2022, directing the petitioner to



approach the Civil Court of Law for the purpose of establishing her right.

2. It is not in dispute that partition suit was instituted by the mother of the writ petitioner and the preliminary decree has been passed by the Competent Civil Court of Law. However, the final decree is yet to be passed.

3. Based on the preliminary decree, the parties have presented the Sale Agreement for registration, which was returned by the fourth respondent-Sub-Registrar on the ground that the parties have to approach the Civil Court for getting the final decree and to resolve the civil disputes, enabling them to register the documents. The properties are yet to be demarcated and the final decree proceedings are still pending.

4. This being the factum, the stand taken by the respondents are in consonance with the provisions of the Registration Act and therefore, the writ petitioner or the other party has to present any document for registration only after resolving the disputes in entirety before the Civil Court.



5. In this regard, the Registering Authority shall not entertain any document from any of the parties, which all are connected with the civil disputes and any such documents if presented by any of the parties with reference to the subject properties, the same is to be considered only after resolving the civil disputes, which is now pending before the Competent Civil Court of Law.

6. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

01-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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