



W.P.No.34613 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.34613 of 2023

and

W.M.P.Nos.34559 & 34560 of 2023

B.Mahalakshmi

... Petitioner

Vs.

1. The Sub-Registrar Joint II,
Chengalpattu,
Chengalpattu – 603 001.

2. The District Registrar,
Chengalpet District,
Chengalpet.

3. P.Rajagopal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records from the file of the first respondent being the impugned proceedings in Document No.10769/2023 being Settlement Deed dated 12.07.2023 executed by the third respondent and to quash the same.



W.P.No.34613 of 2023

For Petitioner : Mr.G.Govarthanan
For R1 & R2 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, calling for the records of the proceedings in Document No.10769/2023 dated 12.07.2023 on the file of the first respondent and executed by the third respondent and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

3. Since there is no adverse order passed against the private respondent/R3 in this writ petition, notice to the private respondent/R3 is dispensed with.

4. Learned counsel for the petitioner submitted that on 15.07.2020



W.P.No.34613 of 2023

WEB COPY

she entered into a sale agreement with the third respondent herein. Since the third respondent evading to execute the sale deed, she filed a suit in O.S.No.413 of 2021 against the third respondent before the District and Sessions Court, Chengalpatu for the relief of specific performance. She also obtained an order of injunction restraining the third respondent from alienating the subject property and the same was communicated to the first respondent on 12.07.2022 which was acknowledged by the first respondent on 14.07.2022. Against the order of injunction, the third respondent had executed the settlement deed in favour of his wife and when the injunction was in force the first respondent also registered the settlement deed. Hence the present writ petition.

5. Admittedly, the petitioner has filed the suit for specific performance and the same is pending from 2021. It is submitted by the learned counsel for the petitioner that pending suit, the third respondent executed a settlement deed. It is a settled proposition of law, that if injunction is in force pending suit, alienation would not bind the petitioner and it is hit under Section 52 of Transfer of Property Act.



W.P.No.34613 of 2023

WEB COPY

Therefore, the petitioner would not be prejudiced, if the document is registered pending suit.

6. In view of above, the Writ Petition is dismissed. However, it is made clear that petitioner can workout his remedy before the Civil Court in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.12.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.34613 of 2023

To

1. The Sub-Registrar Joint II,
Chengalpattu,
Chengalpattu – 603 001.
2. The District Registrar,
Chengalpet District,
Chengalpet.



WEB COPY



W.P.No.34613 of 2023

P.VELMURUGAN, J.

mfa

W.P.No.34613 of 2023
and
W.M.P.Nos.34559 & 34560 of 2023

19.12.2023