



W.P.(MD)No.5522 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5522 of 2021

and

W.M.P.(MD).No.4376 of 2021

Palaniappan

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Pudukkottai District,
Pudukkottai.

2.The Sub Registrar,
Sub Registrar Office,
Alangudi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Refusal No.RFL/ஆலங்குடி/133/2020 dated 28.12.2020 and the impugned order passed by the first respondent in his proceedings in ஒ.மு.3596/ஆ1/2020 dated 29.01.2021 and quash the same as illegal and consequently direct the second respondent to register the document executed by the petitioner herein in respect of his properties acquired by the Partition Deed vide Doc.No.769/2014 dated 26.03.2014.



W.P.(MD)No.5522 of 2021

For Petitioner : Mr.E.Balasubramanian

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the second respondent dated 28.12.2020 and the order passed by the first respondent dated 29.01.2021 and for a consequential direction to the second respondent to register the document presented by the petitioner with respect to the subject property.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

3. The petitioner had presented a sale deed before the second respondent and he wanted to sell the property in favour of one Krishnan. The second respondent refused to entertain the sale deed on the ground that a civil suit was pending before the Principal District Court, Pudukkottai in O.S.No.27 of 2020. Accordingly, the refusal check slip was issued by the second respondent.



W.P.(MD)No.5522 of 2021

Aggrieved by the same, the petitioner approached the first respondent and the first respondent also rejected the appeal through proceedings dated 29.01.2021.

Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. In the considered view of this Court, the mere pendency of the suit cannot be a ground for rejecting the registration of a document unless the competent Court has restrained the party from dealing with the property. If any property is dealt with during the pendency of the suit, the *doctrine of lis pendens* will apply. That apart, there cannot be any restriction in executing the document.

5. In the light of the above discussion, the impugned proceedings of the second respondent in Refusal No.RFL/ஆலங்குடி/133/2020 dated 28.12.2020 and the proceedings of the first respondent in ஓ.மு.3596/ஆ1/2020 dated 29.01.2021 are hereby set aside. If the petitioner presents the document, the same shall be registered provided that there is no restraint order passed by the competent civil court and the petitioner also satisfies all the other requirements.



W.P.(MD)No.5522 of 2021

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6. In the result, this Writ Petition is allowed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

1.The District Registrar,
District Registrar Office,
Pudukkottai District,
Pudukkottai.

2.The Sub Registrar,
Sub Registrar Office,
Alangudi,
Pudukkottai District.



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W.P.(MD)No.5522 of 2021

N.ANAND VENKATESH, J.

Nsr

W.P.(MD)No.5522 of 2021

15.12.2023