



W.P.(MD)No.16634 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16634 of 2021
and
W.M.P.(MD).No.13520 of 2021

A.Manjula

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome Salai,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar,
District Registration Office,
Trichirapalli District.

3.The Sub Registrar,
Srirangam Sub Registrar Office,
Tiruchirappalli 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 on the file of the third respondent pertaining to its Refusal Check Slip bearing No.Nil dated 06.08.2021 and to quash the same and consequently direct the respondents to register the sale deed of the petitioner.



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For Petitioner : Mr.N.Sudhagar Nagaraj

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

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip dated 06.08.2021 issued by the third respondent and for a consequential direction to the third respondent to register the sale deed presented by the petitioner and to release the same.

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 case of the petitioner is that she wanted to purchase the subject property from one K.A.Muthu and two others. A sale deed was also executed on 06.08.2021 in favour of the petitioner. When this sale deed was presented for registration, the third respondent through the impugned check slip dated 06.08.2021 refused to register the document on the ground that a civil suit is pending in O.S.No.25 of 2021 before the District Court, Tiruchirappalli.



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

3. The learned Special Government Pleader appearing on behalf of the respondents, based on the written instructions received from the third respondent submitted that the third respondent has been added as the third defendant in the suit and that an interim order has been passed restraining the registration of document pending the suit. Therefore, it was contended that no documents can be entertained till the disposal of the suit.

4. The learned counsel for the petitioner submitted that no interim injunction order was passed pending the suit and there was no restraint in dealing with the property.

5. In the considered view of this Court, if there is a restraint order passed by the competent civil Court, the third respondent cannot register the document till the disposal of the suit. In the absence of the same, mere pendency of the suit, will not be a ground to refuse to register a document. Ultimately, the execution of the sale deed will be subject to the final result in the suit on the principle of *lis pendens*.



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6. In view of the above, if there is no restraint order passed by the civil Court to deal with the property, it will be left open to the third respondent to entertain the document and register the same subject to the petitioner fulfilling all the other requirements. If there is a restraint order passed by the civil Court, the third respondent cannot register the document and it will be left open to the parties to seek for a clarity from the civil Court.

7. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

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



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N.ANAND VENKATESH, J.

Nsr

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