



WP.No.1885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.1885 of 2022

G.Radhakrishnan

.. Petitioner

Versus

1.The Inspector General of Registration
Santhome High Road
Chennai – 4

2.The District Registrar
Villupuram District

3.The Sub Registrar,
Ulundurpet, Villupuram District

4.Gangabai
5.Lakshmanan
6.Kanagavalli

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the Sale Deed dated 27.08.2007 registered in Document No.1618/2007, at office of the Sub-Registrar, Thiruvannainallur, Villupuram District, the 3rd respondent herein in respect of petitioners properties namely punja lands



WP.No.1885 of 2022

comprised in S.Nos.76/2, 76/3, 76/6D and 74/11A measuring total extent of 1.78.5 Hectare situated at Thenmangalam Village, Ulundurpet Taluk, Villupuram District and delete the correspondent entries in the registering books such as Index Book encumbrance certificate etc. by considering the representation of the petitioner dated 04.09.2021.

For Petitioner : Mr.A.Ramalingam

For Respondent : Mr.B.Vijay for R1 to R3
Additional Government Pleader

No appearance for R4

Dr.A.Thiyagarajan, Senior Counsel
for Mr.S.Ramesh Kumar for R5&6

ORDER

This writ petition is filed for a direction to the respondents 1 to 3 to cancel the sale deed dated 27.08.2007 executed in favour of the respondents 5 and 6.

2. According to the petitioner, originally he has filed a suit in respect of the schedule property seeking relief of declaration and recovery of possession in O.S.No.1056/199 on the file District Munsif Court, Thirukovilur. Subsequently, the said suit was transferred and renumbered as O.S.No.1093/1995 on the file of District Munsif Court, Ulundurpet and the suit



WP.No.1885 of 2022

was dismissed on 09.11.1998. As against which appeal has been preferred in A.S.No.196 of 1998 before the District Judge Court, Villupuram, which was subsequently transferred and renumbered as A.S.No.170 of 1998 on the file of I Additional Sub-Judge at Villupuram. The appeal was allowed in favour of the petitioner vide judgment and decree dated 18.09.2000. As against which, second appeal was filed by the fourth respondent in S.A.No.643/2002 and the same was dismissed for non prosecution on 04.10.2010. It appears during the pendency of the second appeal, the fourth respondent has transferred the suit property in favour of the respondents 5 and 6 vide sale deed dated 27.08.2007. It is the grievance of the writ petitioner that since the second appeal is dismissed and the fourth respondent has not taken any steps and the decree has reached finality, the subsequent sale deed has to be cancelled.

3. Counter has been filed by the 5th respondent stating that they have purchased the property for a valuable sale consideration and they are in possession of the property and according to them they are bonafide purchaser, however, after 16 years the document is sought to be cancelled.

4. The learned Senior Counsel for the respondents 5 and 6 also produced a judgment of the Division Bench of this Court in *Netvantage Technologies*



WP.No.1885 of 2022

Pvt. Ltd vs. The Inspector General of Registration and Stamps and others

made in *W.A.No.3391 of 2023* vide judgment dated *20.03.2024* to the effect that the registering authorities have no power to cancel the document.

5. Heard both sides and perused the materials placed on record. No doubt, the power to cancel the document is not vested with the registering authorities, but the fact remains that in this case, the respondents 5 and 6 would not derive any title over the property for the simple reason that they are *lis pendens* purchaser. When the property was purchased during the pendency of the suit relating to immovable properties, the question of raising plea of bonafide purchaser does not arise at all. Once the property has been purchased during the pendency of the suit and the suit is decreed in favour of the other party, the suit property is always subject to the result of the suit.

6. Admittedly, in this case, the writ petitioner has succeeded in the suit filed by him with regard to the immovable properties. Therefore, any transfer effected during the pendency of the suit, the same will be subject to the Doctrine of *lis pendens* and claiming right on the basis of bonafide purchaser does arise at all. As the purchase itself is during the pendency of the suit which is not valid in the eye of law, the respondents 5 and 6 would not derive any title



WP.No.1885 of 2022

over the property.

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7. Accordingly, this Writ Petition stands disposed of. No costs.

18.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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WP.No.1885 of 2022

N. SATHISH KUMAR, J.

dhk

W.P.No.1885 of 2022

18.04.2024