



WEB COPY

W.P.No.8732 of 2024
and W.M.P.Nos.9747 & 9748 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8732 of 2024
and W.M.P.Nos.9747 & 9748 of 2024

Jayanthi

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Petitioner

versus

1.The District Collector,
Tiruppur District, Tiruppur.

2.The District Revenue Officer,
Tiruppur.

3.The Revenue Divisional Officer,
Tiruppur.

4.The Tahsildar,
Avinashi Taluk, Tiruppur District.

5.The Sub-Registrar,
Punjaipuliyampatti Sub Registration Office,
Avinashi Taluk, Tiruppur District.

6.N.Kamalaveni

7.R.Selvam

8.S.Gopalakrishnan

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Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the 5th respondent in Tha.Ma.Moo.Mu. No.26/2024 dated 12.01.2024 and to quash the same, consequently direct the 5th respondent to remove the entry in encumbrance records.

For Petitioner : Mr.C.Prabakaran

For Respondent Nos.1 to 5 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 12.01.2024 passed by the fifth respondent and also to direct him to remove the entry in encumbrance records.

2. It is the case of the petitioner that, an objection was raised by her not to register any document on the ground that the appeal is pending in respect of the suit property in A.S.No.31 of 2018. However, the registering authority found that there was no injunction granted in the appeal and rejected the objection raised by the petitioner. Challenging the same, the present Writ Petition has been filed.



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3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent 1 to 5 and perused the materials available on record.

4. At the outset, this Court is of the view that when a suit is pending between the parties, any transfer if effected in respect of the suit property, such transfer is subject to the result of the suit. The doctrine of *lis pendens* will apply. In the event, the petitioner succeeds in the suit then automatically the document registered by the sixth respondent will be void, subject to the rights of the parties.

5. In such view of the matter, this Court do not find any infirmity in the order passed by the fifth respondent. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The District Revenue Officer,
Tiruppur.
- 3.The Revenue Divisional Officer,
Tiruppur.
- 4.The Tahsildar,
Avinashi Taluk, Tiruppur District.
- 5.The Sub-Registrar,
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N.SATHISH KUMAR, J.

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02.04.2024
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