



WEB COPY



WP.No.5546 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.5546 of 2023 & WMP.No.5562 of 2023

S.Swati Priya

.. Petitioner

Versus

1.The Inspector General of Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.

2.The District Registrar,
District Registrar office, Coimbatore District.

3.The Sub Registrar,
Anamalai Sub Registrar Office,
Anamalai, Coimbatore District.

4. Ajay Sharmaraj
5. Chandravadanam
6. Sharmila
7. Gowrishankar

8. M/s.Equitas Small Finance Bank Ltd.,
Udumalpet Branch, 2/1, Sri Velavan Complex,
Near M.R.Lodge, Udumalpet, Tiruppur District.

.. 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 consider the representation of the petitioner dated 27.12.2022 and cancel the



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sale deed dated 30.11.2022 in document No.5945 of 2022 executed by the respondents 4 to 6 in favour of the seventh respondent and the Memorandum Confirming Deposit of Title Deeds dated 30.11.2022 executed by the 7th respondent in favour of the eighth respondent in document No.5946 of 2022 registered on the file of the third respondent within the time frame fixed by this Court.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.B.Vijay
Additional Government Pleader – R1 to R3

Dr.R.Gowri – R4 to R6

Mrs.A.S.Neelamarayani – R8

No appearance – R7

ORDER

With the consent of both sides, this Writ Petition is taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed to direct the respondents 1 to 3 to consider the representation of the petitioner dated 27.12.2022 and cancel the sale deed dated 30.11.2022 executed by the respondents 4 to 6 in favour of the seventh respondent and the Memorandum Confirming Deposit of Title Deeds



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dated 30.11.2022 executed by the 7th respondent in favour of the eighth respondent registered on the file of the third respondent within the time frame fixed by this Court.

3. It is the case of the writ petitioner that there is matrimonial dispute between the petitioner and the fourth respondent and divorce proceedings are also pending between them. While so, the petitioner filed a suit in O.S.No.456 of 2022 for attachment before judgment and not to alienate the property and there is a charge over the property. During the pendency of the suit, the respondents 4 to 6 have executed a sale deed in favour of the seventh respondent and the seventh respondent in turn has executed a mortgage deed in favour of the 8th respondent. In this regard, she has given a representation to the respondents 1 to 3 to cancel the documents executed by the respondents 4 to 7. But the respondents 1 to 3 have not taken any action till date. Hence, the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 to 6 and 8.



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4. At the outset, this Court is of the view that as there is charge over the property, any transaction during the pendency of the suit will not take away right of the parties. Hence, cancellation of the documents registered during the pendency of the suit will not arise at all. In the event the petitioner succeeds in the suit, the documents registered during the pendency of the suit will automatically go. Such being the position, there cannot be a direction for cancellation of the documents. Hence, I do not find merits in this Writ Petition.

6. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To

1.The Inspector General of Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.

2.The District Registrar,
District Registrar office, Coimbatore District.

3.The Sub Registrar,
Anamalai Sub Registrar Office,
Anamalai, Coimbatore District.



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N. SATHISH KUMAR, J.

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