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W.P.No.11868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**W.P.No.11868 of 2024  
and W.M.P. No. 12958 of 2024**

S.Sumathi

.. Petitioner

Versus

1. The Inspector General of Registration,  
Office of the Inspector General of Registration,  
Santhome High Road,  
Raja Annamalaipuram,  
Chennai 600 028.
2. The Deputy Inspector General of Registration,  
Salem,  
Salem District.
3. The District Registrar (Admn.)  
Salem (West),  
Salem District.
4. The Sub Registrar,  
Magudanchavadi,  
Salem District.
5. D.Abinaya

6. K.Dinesh Kumar

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the 3rd respondent dated 14.03.2022 in Na.Ka.No.6522/E4/2021, and the



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order of the 2nd respondent dated 21.04.2023 in No.1636/E2/2022 and quash the same only in so far as it relates to the Document of the petitioner in Document No.4441 of 2021.

For Petitioner : Mr.K.Selvaraj

For R1 to R4 : Mr.P.Anandhakumar  
Government Advocate

**ORDER**

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

2. This writ petition has been filed challenging the records relating to the order of the 3rd respondent dated 14.03.2022 in Na.Ka.No.6522/E4/2021, and the order of the 2nd respondent dated 21.04.2023 in No.1636/E2/2022 and quash the same only in so far as it relates to the Document of the petitioner in Document No.4441 of 2021.

3. It is the case of the petitioner that she has purchased the property bearing Old Door No.13-3/21, new Door No.1, Ward No.13 as per Patta in Old Survey No.631/4, New Survey No.631/4C1A, Edanganasalai Beat-I, Village, Sankari Taluk, Salem District by a registered Sale Deed dated 25.08.2021 and registered as Document No.4441 of 2021 on the file of the Sub Registrar,



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Magudanchavadi. On 24.11.1992, the legal heirs of late Kullan Achi alias Pichaikaran has partitioned the residential Plot in Old Survey No.631/A between his wife and 5 sons. On 04.10.2022, a preliminary decree in O.S.No.203 of 2001 was passed by the District Munsif Court, Sankari, holding that all the 5 sons of late Kullan Achi alias Pichaikaran are entitled to 1/5<sup>th</sup> share in the suit 'C' scheduled property. On 09.11.2020, the plaintiff namely K.Krishnan has registered a fraudulent settlement deed in favour of his son, the 6<sup>th</sup> respondent herein, who had fraudulently registered a sale deed in favour of the 5<sup>th</sup> respondent herein. Both the documents are fraudulent documents. On 14.03.2022 the 3<sup>rd</sup> respondent has categorically held that he could not pass any orders on the complaint of the 5<sup>th</sup> respondent against the document of the petitioner since the subject matter is pending before the Sub Court at Sankari in O.S.No.171 of 2021 and directed the Registering Officer not to register any Document based on the document of the petitioner. Against the said order, the petitioner has filed W.P.No.17178 of 2022, in which this Court has directed the petitioner to file an appeal before the 2<sup>nd</sup> respondent within a period of two weeks and further directed the 2<sup>nd</sup> respondent to afford an opportunity of personal hearing to the petitioner as well as any interested persons and pass orders within a period of twelve weeks. On 21.04.2023, the 2<sup>nd</sup> respondent passed an interim order and confirmed the the order of the 3<sup>rd</sup> respondent and



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consequently passed a prohibitory order that no document should be registered pursuant to the document of the petitioner in Document No.4441 of 2021.

Against the same, the petitioner has come out with the present Writ Petition.

4. Heard learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 4 and perused the materials available on record.

5. From the materials on record, it is seen that the challenge has been made to the order passed by the District Registrar/3<sup>rd</sup> respondent, injecting the petitioner from dealing with the property based on the Document No.4441 of 2021. The private respondents have given a complaint to cancel the said Document executed in favour of the petitioner. However, since Civil Suit is already pending in O.S.No.11 of 2022 on the file of the District Munsif Court, Sankari, the complaint is not entertained. However, the District Registrar has passed the injunctive order directing the Civil Court that no document should be entertained. It is relevant to note that since the very such order is ex-facie without any jurisdiction, this Court is of the view that notice is required to be served on the otherside. When the matter is ceased by the Civil Court and any sale or transaction effected during the pendency of the suit, the same will be



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subject to the result of the suit. When such being a position, when the Civil Court itself has not granted any injunction, the District Registrar cannot injunct the party to deal with the property. Any such transaction even if made by the petitioner during the pendency of the suit, the same will certainly be subject to the result of the suit. At the same time, considering the nature of the suit, the Writ Petitioner shall also maintain the status-quo till the suit is disposed of. With the above observation, the orders injuncting the petitioner from dealing with the property alone is set aside.

6. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Internet : Yes/No

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3. The District Registrar (Admn.)  
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4. The Sub Registrar,  
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