



WEB COPY



WP.No.15103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.15103 of 2024
and W.M.P.No.16403 of 2024

K.Shankar

.. Petitioner

Versus

1.The Inspector General of Registration
100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalaipuram, Chennai – 600 028

2.The District Registrar
Office of the District Registrar
Kallakurichi District

3.The Sub Registrar
Chinnasalem
Kallakurichi District

4.M.Aththayi

.. Respondents

Prayer: Writ Petition is 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 dated 05.04.2024 in Na.Ka.No.153/2024 passed by the third respondent and quash the same as illegal and consequently direct the 3rd respondent to register the document presented by the petitioner.



WP.No.15103 of 2024

WEB COPY

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Special Government Pleader

ORDER

This writ petition is filed challenging the check slip issued by the 3rd respondent dated 05.04.2024 in refusing to register the document mainly on the ground that suit is pending in O.S.No.71 of 2021 on the file of Principal Sub-Court, Kallakurichi.

2. As the impugned order is against the very settled position of law and sheer non application of mind, with the consent of both parties, this writ petition is taken up for final disposal.

3. On perusal of the impugned checkslip, it would indicate the document has not been registered merely on the ground that a suit is pending, at the most, as a co-owner, she is entitled to deal with her share alone not in respect of the entire property. Section 44 of the Transfer of Property Act deals with sale of undivided share by the co-owner. Further, there is no bar for the co-owner to sell the undivided share. The only restriction on the purchaser is that he cannot claim joint possession, at the most he is entitled to seek for partition.



WP.No.15103 of 2024

4. Such view of the matter, the impugned order dated 05.04.2024 is set aside and there shall be a direction to the third respondent to register the document dated 22.12.2023 presented by the petitioner. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

5. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Inspector General of Registration
100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalaipuram, Chennai – 600 028

2.The District Registrar
Office of the District Registrar
Kallakurichi District

3.The Sub Registrar
Chinnasalem
Kallakurichi District



WEB COPY



WP.No.15103 of 2024

N. SATHISH KUMAR, J.

dhk

W.P.No.15103 of 2024

12.06.2024