



WEB COPY

W.A.No.2500 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No. 2500 of 2021

D.Mohanraj

...Appellant

Vs.

1.V.P.Srinivasan

2.The District Registrar,
District Registrar Office,
South Chennai - 600 015.

3.The Sub-Registrar,
Poonammallee Sub-Registrar Office,
Chennai - 600 056.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Amended Letters Patent,
1865 against the order dated 12.03.2021 made in W.P.No.3380 of 2018.

For Appellants : Mrs.Mitra Neesha for Mrs.V.Srimathi

For Respondents : Mr.V.Chandraprabhu for R1

Mr.Stalin Abimanyu

Additional Government Pleader for R2 & R3



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Here is a Writ Appeal by a third party who attempts to convert the Article 226 jurisdiction into a Civil Court's jurisdiction.

2.The Writ Petition was filed by the 1st respondent with a prayer for a mandamus directing the 2nd respondent to return the document namely, the sale deed dated 06.03.2009 claiming that it has been registered as Document No.30 of 2009. The Registration Department took a stand that the sale deed was not registered, since suits were pending and on the premise that Section 52 of the Transfer of Property Act bars alienation of properties where suits are pending and the right title and interest to the properties are in question.

3. The learned Single Judge has rightly concluded that Section 52 is not an absolute bar for sale of the property. Upon such conclusion, he had directed registration of the document. The Registering Officer has complied with the direction and has registered the instrument. The learned Judge has dismissed the Writ Petition as having become infructuous.



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4. It is now pointed out by the appellant that the very sale deed has been declared to be null and void by the competent Civil Court. If that be so, registration of the instrument or return there of will not have any validity.

We therefore, do not see any reason to interfere with the order of the Writ Court which is in effect closure of the Writ Petition as infructuous. This Writ Petition fails and it is accordingly, **dismissed**. No costs.

5.It is made clear that the registration of the instrument by itself will not nullify the judgment of Civil Court which according to the learned counsel for the appellant has declared the rights of the appellant to the properties that are subject matter of the sale deed.

(R.S.M., J.) (R.S.V., J.)
03.07.2024

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Internet: Yes
Index: No
Speaking
Neutral Citation : No



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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

KKN

To:-

2.The District Registrar,
District Registrar Office,
South Chennai - 600 015.

3.The Sub-Registrar,
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