



WEB COPY



WP.No.17447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.17447 of 2023

Thulasimani

.. Petitioner

Versus

1.The Inspector General of Registration
100, Santhome Main Road
Chennai – 600 028

2. The Sub Registrar
Office of the Sub Registrar
Chennai, Erode

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for records for the impugned refusal check slip issued by the 2nd Respondent vide refusal number RFL/Chennimalai/37/2023, dated 29.12.2023 and quash the same and direct the 2nd Respondent to register the settlement deed executed by petitioner.

For Petitioner : Mr.S.K.D.Rajasekar

For Respondents : Mr.B.Vijay
Additional Government Pleader



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WEB COPY Challenge has been made to the refusal slip issued by the respondent on the ground that there is an attachment by the Court in respect of the property belonging to one Muthukumaran.

2. It is the contention of the writ petitioner that the attachment has been passed in the maintenance proceedings initiated by the wife against the Muthukumaran. The order of attachment came to be passed on 27.02.2020 in O.S.No.59 of 2017.

3. The learned counsel for the petitioner brought to the notice of the Court that the suit itself is filed for claiming maintenance in the year 2017. Prior to the initiation of the suit, the subject property comprising of 0.37 cents already sold by the Muthukumaran to one Murthy and his wife Senthamarai by registered document in Doc.No.1124 of 2016. However, attachment has been passed generally in respect of the immovable properties of the Muthukumaran in the year 2020. Hence, according to him, merely on the basis of the such attachment, the petitioner's right to register the document cannot be defeated.



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4. On perusal of the admitted documents, no counter is required. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

5. The copies of the sale deeds also annexed in the typedset. On perusal of the same, it would indicate that one Muthukumaran is the husband of one Kavitha has sold the property in the year 2016 to the third parties in a Doc.No.1124 of 2016. After sale of the property, the wife and minor children filed a suit claiming maintenance in O.S.No.59 of 2017. The suit came to be decreed on 27.02.2020 directing the said Muthukumaran to pay the maintenance, in the event of non payment, there shall be a charge over the immovable properties owned by Muthukumaran. It appears that the said decree has been registered before the Sub Registrar. Based on the said attachment order passed in the year 2020, now the sale deed executed by the previous owners when presented same was refused to be registered.

6. At the outset, this Court is of the view that the attachment will not have any effect in respect of the property since the property was already sold in the year 2016 by Muthukumaran to one Murthy and his wife Senthamarai as



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referred above. Thereafter, the vendor of the petitioner purchased the property from Muthukumaran's vendor. Therefore, the attachment will not have any effect as the property is not owned by Muthukumaran on the date of the order of the Civil Court. Such view of the matter, the impugned refusal checkslip stands quashed.

6. Accordingly, there shall be a direction to the second respondent to register the settlement deed dated 29.12.2023 presented by the petitioner within a period of one week from the date of receipt of a copy of this Order.

7. In view of the above, this writ petition stands allowed. No costs.

04.07.2024

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



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To

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N. SATHISH KUMAR, J.

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