



WEB COPY



W.P.No.24305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24305 of 2024

K.Vairavel

... Petitioner

vs.

1. The Sub Registrar,
O/o. Sub Registrar Office,
Vikaramangalam.

2. Anbalagan.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the record of the 1st respondent relating to the impugned Refusal Slip RFL/Vikaramangalam/45/2024 dated 03.08.2024 and quash the same and consequently, direct the 1st respondent to register the sale deed presented by the petitioner.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.P.Harish (for R1)
Government Advocate



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M/s.M.Santhanamari (for R2)

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ORDER

The writ petition is filed challenging the Refusal Check Slip issued by the 1st respondent refusing to register the sale deed presented by the petitioner for registration on the ground that he has been arrayed as one of the parties in the suit filed by the 2nd respondent in O.S.No.186 of 2024 on the file of the Sub Court, Jayakondam.

2. Heard the arguments of Mr.M.Raja Sekhar, learned counsel for the petitioner; Mr.P.Harish, learned Government Advocate, who takes notice for the 1st respondent; and M/s.M.Santhanamari, learned counsel, who takes notice for the 2nd respondent.

3. According to the petitioner, the subject property belonged to petitioner's vendor Swamidurai under registered Sale Deed dated 19.04.2022 executed by one Muthulakshmi. The petitioner purchased the subject property for sale consideration of Rs.2,52,500/- and the Sale Deed dated 24.07.2024, executed by the petitioner's vendor in favour of the petitioner



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was presented before the 1st respondent for registration. In the mean time, the 2nd respondent herein filed a suit in O.S.No.186 of 2024 on the file of the Sub Court, Jayakondam, seeking cancellation of the sale deed executed by him and his father Kaliayamurthy in favour of the petitioner's vendor's vendor Muthulakshmi dated 13.12.2018 and for a consequential injunction. In the said suit, the 1st respondent-Sub Registrar, was also arrayed as one of the party. The 2nd respondent also sought for a declaration that the sale deed executed by the 1st defendant-Muthulakshmi in favour of 2nd defendant-Swamidurai (Vendor of the petitioner) was null and void.

4. When the Sale Deed executed by Swamidurai in favour of the petitioner was presented for registration before the 1st respondent, the impugned Refusal Check Slip was issued on the ground that the suit filed by the 2nd respondent is pending and the 1st respondent is arrayed as one of the defendant.

5. It is not the case of the 1st respondent that any interim injunction was passed by the civil Court prohibiting him from entertaining the



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document presented for registration. When there is no prohibitory order by the civil Court, the 1st respondent ought not to have passed the impugned Refusal Check Slip, refusing registration of the document presented for registration. Any sale deed by defendant therein in favour of the petitioner is subject to the result of the suit. Therefore, there cannot be any impediment for the 1st respondent to entertain the document presented for registration.

6. The registration of the document will not affect the right of the 2nd respondent in any way in view of *doctrine of lis pendens* and therefore, the impugned Refusal Check Slip is quashed and the petitioner is directed to re-present the document before the 1st respondent for registration. The 1st respondent is directed to register the same if it is otherwise in order.

7. With the above directions, the Writ Petition stands allowed. No costs.

20.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

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To

The Sub Registrar,
O/o. Sub Registrar Office,
Vikaramangalam.



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S.SOUNTHAR, J.

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