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W.P.No.24592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24592 of 2024

Dhandapani

...Petitioner

Vs.

1. The Sub Registrar,
Office of the Sub Registrar,
Kaveripattinam,
Krishnagiri District.

2. Sundaramoorthi Nayanar

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent relating to the refusal cheque slip issued in T.P/188358756/2024 dated 25.07.2024 and quash the same as illegal and consequently direct the 1st respondent to register the sale deed dated 25.07.2024 executed by the petitioner.

For Petitioner : M/s.Reshmi Christy
for Mr.K.V.Sajeev Kumar

For Respondent 1 : Mr.M.Shahjahan
Special Government Pleader



ORDER

Aggrieved by the impugned refusal slip issued by the 1st respondent refusing to register the document presented by the petitioner for registration, he has come by way of writ petition.

2. The petitioner executed a sale deed in favour of one Manjunathan in respect of 0.56 cents of land situated in Survey No. 179/9A1A1 at Chowtahalli village, Krishnagiri District and the same was presented for registration. The 1st respondent passed impugned refusal check slip refusing to register the sale deed presented for registration on the ground that in respect of release deed executed by siblings of the petitioner in Document No.3687 of 2022, a civil suit is pending. Aggrieved by the same, the petitioner is before this Court.

3. Mr.M.Shahjahan, learned Special Government Pleader takes notice for the 1st respondent.

4. The only reason assigned by the 1st respondent for refusing registration of the document is the objection raised by the 2nd respondent for registration of the document by citing pendency of the civil suit pertains to previous document of the subject matter of the sale deed in O.S.No.406 of 2022 on the file of Principal District Court, Krishnagiri. It is not the case of the



1st respondent that a prohibitory order has been passed by the Civil Court against registration of the document. Merely because a civil suit filed by the 2nd respondent is pending pertains to previous document relating to subject matter of the sale deed, the 1st respondent is not entitled to reject the document presented for registration. Any transfer of the property and registration of the same pending suit is subject to doctrine of *lis pendens*. Therefore, Section 52 of Transfer of Property Act will take care of the interest of the 2nd respondent, if any, in the subject property. Therefore, the reasoning given by the 1st respondent for refusing registration is legally unsustainable in the absence of any specific order by the Court of competent jurisdiction restraining the petitioner or 1st respondent from going ahead with the registration. Accordingly, the impugned refusal check slip is quashed and the writ petition stands allowed. The petitioner is directed to represent the document before the 1st respondent within a period of two weeks from the date of receipt of copy of this order and the 1st respondent shall register the same if the document is found otherwise in order.



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5. With the above observations, this writ petition stands allowed. No costs.

28.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

The Sub Registrar,
Office of the Sub Registrar,
Kaveripattinam,
Krishnagiri District.



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S.SOUNTHAR, J.
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