



WEB COPY



W.P.No.25471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25471 of 2024

P.SabariGiri

...Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome HighRoad, AnnamalaiPuram,
Chennai 600 028.
2. The District Registrar,
The District Registrar Office,
Gopalapuram,
Coimbatore 18.
3. The Sub – Registrar,
The Sub – Registration Office,
Anaimalai – 642 104.
4. M.Sivabackiam
5. Govindammal
6. Rubadevi
7. Santhoshkumar
8. Indirani @ Indira Gandhi

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to register the sale deed dated 23.05.2024 as pending document No.46 of 2024 as regular document in Book 1 and release the document to petitioner by considering the petitioner's representation dated 01.08.2024 within time frame manner.

For Petitioner : Ms.M.Vanitha
for Mr.J.Pradeep

For Respondents : Mr.M.ShahJahan for R1 to R3
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the third respondent to register the sale deed dated 23.05.2024 presented for registration by considering his representation dated 01.08.2024.

2. The petitioner herein entered into a sale transaction with the respondents 5 & 6 for purchase of the undivided 1/2 share in the property situated in S.F.No.234/2B at Angalakuruchi Village, Anaimalai Taluk and the sale deed executed by the respondents 5 & 6 was presented for registration



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before the third respondent. The right of the respondents 5 & 6 have been declared in preliminary decree for partition passed in OS.No.164 of 2015 on the file of the I Additional District Court, Coimbatore. When the sale deed in favour of the petitioner was presented for registration before the third respondent, the said document has been kept pending merely on the ground that an appeal against the judgment and decree passed in OS.No.164 of 2015 is pending. Therefore, the petitioner has come before this Court.

3. Mr.M.Shahjahan, learned Special Government Pleader, who takes notice for the respondents 1 to 3 would submit that the representation of the petitioner will be considered, on its own merits, within a time frame fixed by this Court.

4. It is settled law mere pendency of the appeal against the preliminary decree is not a ground to refuse the registration unless there is a prohibitory order passed by the Court restraining the vendors of the petitioner from alienating their share in the suit property. Any alienation by the vendors of the petitioner, is subject to the result of the proceedings pending before the Appellate Court. Therefore, the third respondent is directed to consider the



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representation of the petitioner dated 01.08.2024 and take a final decision on the registration of the document within a period of two weeks from the date of receipt of copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

05.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

1. The Inspector General of Registration,
100, Santhome HighRoad, Annamalai Puram,
Chennai 600 028.
2. The District Registrar,
The District Registrar Office,
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S.SOUNTHAR, J.
dna

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