



WEB COPY



WP.No.7657 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.7657 of 2023
and W.M.P.No.7809 of 2023

V.Unnamalai

.. Petitioner

Versus

1. The Inspector General of Registration
O/o.Registration Department
Santhome High Road, Chennai- 600 028.

2.The District Registrar
O/o.Registration Department
Villupuram

3.The Sub Registrar
Vikravandi Sub Registration Office
Vikravandi, Tindivanam Taluk
Villupuram District

4.Chandra
5.R.Sumathi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the letter/order in Doc.No.5/2022 dated 29.03.2022 of the 3rd Respondent and to quash the same directing the 3rd respondent herein to register the sale deed dated 24.01.2022 executed by the Petitioner in favour of the 5th Respondent herein for the land of an extent of 1.15 acres (0.46.5 hectares) comprised in Survey No.458/4 belonging to the Petitioner under Patta No. 1543 in Periathathur (South) Village, Tindivanam Taluk, Villupuram District which the Petitioner herein acquired the same by a Deed of Settlement



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dated 08.08.2013 registered as Document No.3332 at the Sub Registrar's Office, Vikravandi executed by the Petitioners husband.

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For Petitioner : Mr.T.Dhanasekaran

For Respondent : Mr.B.Vijay for R1 to R3
Additional Government Pleader
Mr.D.Murthy for R4
No appearance for R5

ORDER

This writ petition is filed challenging the check slip issued by the respondent dated 29.03.2022 in refusing to register the document mainly on the ground that suit is pending in O.S.No.72 of 2021 on the file of Principal Sub-Court, Tindivanam.

2. By consent of both parties, this writ petition is taken up for disposal.

3. It is the case of the writ petitioner that she is the owner of the property, when she presented a sale deed dated 24.01.2022 in favour of the 5th respondent, the same has been refused to be registered. Hence, this petition.

4. Heard both sides and perused the materials placed on record.

5. On perusal of the impugned checkslip, it would indicate the sale deed



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has not been registered merely on the ground that a suit is pending, at the most, as a co-owner, she is entitled to deal with her share alone not in respect of the entire property. Absolutely, there is no dispute in that regard. Further, there is no bar for the co-owner to sell the undivided share. The only restriction on the purchaser is that he cannot claim a possession, at the most he is entitled to seek for partition.

6. Such view of the matter, the impugned order dated 29.03.2022 is set aside and there shall be a direction to the third respondent to register the sale deed dated 24.01.2022 presented by the petitioner. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

7. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.04.2024

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

N. SATHISH KUMAR, J.



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dhk

To,

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Santhome High Road, Chennai- 600 028.

2.The District Registrar
O/o.Registration Department
Villupuram

3.The Sub Registrar
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