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W.P.No.30529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30529 of 2024

1.V.Kalaiselvan

2.V.Kalaivanan

... Petitioners

vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Main Road,
Vikramangalam-621701,
Ariyalur District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip in RFL/Vikramangalam/72/2024 dated 18.09.2024 issued by the respondent/Sub-Registrar, Vikramangalam and quash the same as illegal and consequently direct the Respondent to register the sale deed document presented by the Petitioners for registration and return the registered document after completing all the formalities of the registration.

For Petitioners : Mr.R.Venkatesulu



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for M/s.Usha Ramman

For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioners as well as respondent, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned refusal check slip in RFL/Vikramangalam/72/2024, dated 18.09.2024 issued by the respondent refusing to register the Sale Deed presented for registration on the ground that the respondent was arrayed as one of the defendants in O.S.No.60 of 2022 on the file of the Sub-Court, Jayankondam, the petitioners have come before this Court.

3. It is the case of the petitioners that the subject property was purchased by them under a registered Sale Deed dated 24.04.2007 from one Banumathi. The patta for the subject property was also transferred in favour



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of the petitioners. Now, the petitioners executed a Sale Deed in favour of Mohan Dass and the same was presented for registration before the respondent. The respondent refused to register the document on the ground that one Chinnapappa filed a suit for partition against the petitioners and others claiming 1/6th share over the subject property and respondent herein was also arrayed as one of the defendants in the said suit.

4. The learned counsel appearing for the petitioners submits that mere pendency of the suit is not a ground to refuse registration in the absence of any prohibitory orders preventing the petitioners from alienating the property.

5. A reading of the impugned order would suggest that the refusal check slip was issued by the respondent only on the ground that he was added as a defendant in the suit in O.S.No.60 of 2022. It is not the case of the respondent that there is a prohibitory order against alienation.

6. In such circumstances, the impugned refusal check slip issued by



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the respondent cannot be sustained. Any alienation made by the petitioners is subject to the result of the suit and doctrine of *lis pendens* will protect the right of the plaintiff therein. In such circumstances, there is no impediment for the respondent to register the document.

7. Accordingly, the impugned refusal check slip in RFL/Vikramangalam/72/2024, dated 18.09.2024 issued by the respondent is quashed and the Writ Petition stands allowed.

8. The petitioner is directed to represent the document before the respondent for registration, within a period of two weeks from the date of receipt of copy of this order and the respondent shall register the same, if it is otherwise in order. No costs.

18.10.2024
(2/2)

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



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To

The Sub-Registrar,
Office of the Sub-Registrar,
Main Road,
Vikramangalam-621701,
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S.SOUNTHAR, J.

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