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W.P.No.35154 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18..04..2024  
Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.35154 of 2022

M.Velliangiri

..... Petitioner

-Versus-

1.The Sub Registrar,  
Nambiyur, Gobichettipalayam,  
Erode District.

2.The District Registrar,  
Gobichettipalayam,  
Erode District.

3.Ranganayagi

4.K.Velliangiri

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to refusal check slip No.RFL/Nambiyur/13/2022 dated 29.11.2022 and quash the same and further direct the 1<sup>st</sup> respondent to register the sale deed dated 25.11.2022 presented by the petitioner within a stipulated period as fixed by this Court.

*For Petitioner : Mr.S.Parthasarathy*

*For Respondent (s) : Mr.P.Anandhakumar,  
GA for R1 & R2  
Mr.J.Titus Enock for R3 & R4*



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## **ORDER**

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This writ petition has been filed challenging the refusal check slip issued by the 1<sup>st</sup> respondent in Ref. No.RFL/Nambiyur/13/2022 dated 29.11.2022 and seeking a consequential direction for the registration of the sale deed presented by the petitioner.

2. The refusal check slip was issued mainly on the ground that O.S.No.104 of 2022 on the file of the Subordinate Judge, Gobichettipalayam, is pending.

3.The respondents 3 and 4 who are contesting respondents would contend that there is already a suit pending and they are entitled to a share in the property covered under the document. According to the 4<sup>th</sup> respondent his grandmother-Ponnammal was not a party to the partition which had taken place in 1986 and, therefore, the partition of the year 1986 is now put under challenge in the suit. Therefore, the respondents 3 and 4 vehemently oppose the writ petition.

4. Heard both sides.

5. A careful perusal of the available records would go to show that there had already been a partition in 1986 and the respondents 3 and 4 challenge the partition of the year 1986. In such view of matter, till the rights of the parties



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are crystallized it cannot be said that the present owner cannot enjoy or deal with the property. Further, there is no bar under law to transfer the property during the pendency of litigation, such transfer would be subject to the result of the suit and if the respondents 3 and 4 succeed in the suit, such transfer will automatically fall within the *doctrine of lis pendens*. Therefore, the refusal check slip impugned in the writ petition is liable to be set aside. This writ petition succeeds accordingly.

**In the result,** the writ petition is allowed. The impugned refusal check slip issued by the 1<sup>st</sup> respondent is set aside. The 1<sup>st</sup> respondent is directed to register the sale deed dated 25.11.2022 presented by the petitioner within one month from the date of receipt of a copy of this order without insisting on patta in the name of the petitioner. No costs.

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Index : yes / no  
Neutral Citation : yes / no  
Speaking / Non Speaking Order  
kmk

To

1.The Sub Registrar,  
Nambiyur, Gobichettipalayam,  
Erode District.

2.The District Registrar,



Gobichettipalayam,  
Erode District.

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