



W.P.(MD)No.1685 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.1685 of 2023

S.Rukmangathan

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Door No.100, Santhome High Road,
Raja Annamalaipuram, Chennai – 600 028.

2.The District Registrar,
Dindigul District Registrar Office,
Dindigul.

3.The Sub Registrar,
Vadamadurai Sub Registrar Office,
Vadamadurai,
Dindigul District.

4.Suromani

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order in Refusal Check Slip Number:RFL/VADAMADURAI/7/2022 dated 03.11.2022 passed by the 3rd



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respondent and consequently quash the same and to register the said sale deed within stipulated time based on the petitioner's representation dated 12.01.2023.

For Petitioner : Mr.B.Sukumar
For Respondents : Mr.M.Siddharthan
Addl. Govt Pleader for R1 to R3
No Appearance for R4

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order in Refusal Check Slip Number:RFL/VADAMADURAI/7/2022 dated 03.11.2022 passed by the 3rd respondent and consequently quash the same and to register the said sale deed within stipulated time based on the petitioner's representation dated 12.01.2023.

2. It is the case of the Writ Petitioner that when the petitioner presented a sale deed for registration, the first respondent refused to register the same on the ground that a civil suit is pending. Challenging the same, the petitioner has filed this Writ Petition.



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3. The learned counsel appearing for the petitioner submitted that mere pendency of a civil suit will not be a ground for refuse to register the sale deed. He further submitted that the said suit was also withdrawn by the 4th respondent. Hence, the impugned order is liable to be set aside.

4. Whereas, the learned Government Additional Government Pleader appearing for the first respondent would submit that since a suit is pending, the first respondent has refused to register the sale deed and issued the impugned order. Hence, opposed this petition.

5. Heard the submissions made by the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. This issue is no longer *res integra*. This Court already in several judgments has held that mere pendency of a civil suit will not be a ground for refuse to register the document. It is at the risk of the party to purchase the property during the pendency of the suit. Such transfer is always subject to the result of the suit. Therefore, mere pendency of a civil suit will not be a ground for



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refuse to register the document. This issue has already been elaborately discussed by this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the SubRegistrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]***.

7. Therefore, following the said decision, the impugned order issued by the first respondent dated 03.11.2022 is set aside. Consequently, the first respondent is directed to register the sale deed presented by the petitioner, within a period of one week from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

28.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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