



W.P.(MD)No.1976 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.1976 of 2023

T.Jayasankar

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Thiruvudaimaruthur Taluk,
Thanjavur District.

2.T.Govindaraj

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent in RFL/Thiruvudaimaruthur/106/2022 dated 22.12.2022, and quash the same as illegal and consequently direct the 1st respondent to register the document.

For Petitioner : Mr.B.Isac Camilus

For Respondents : Mr.C.Satheesh,
Govt Advocate for R1
Mr.B.Anandan for R2



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ORDER

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This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent in RFL/Thiruvudaimaruthur/106/2022 dated 22.12.2022, and quash the same as illegal and consequently direct the 1st respondent to register the document.

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.

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. Hence, the impugned order is liable to be set aside.

4. Whereas, the learned Government Advocate 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.



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5. Heard the submissions made by the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent 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 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 22.12.2022 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.



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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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