



W.P(MD)No.3461 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3461 of 2023

and

W.M.P.(MD)No.3295 of 2023

L.Vikram Narayan

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District.

2.The District Registrar,
Palayamkottai,
Tirunelveli District.

3.The Joint Sub Registrar No.1,
Palayamkottai,
Tirunelveli District.

4.S.Devendran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the 3rd respondent no. 10044/AAaPi/2022 dated 27.10.2022 and quash the same as illegal and consequently directing the 3rd respondent to complete the registration process of pending sale deed in Doc. No. P 25/2022 in respect of Plot No. 23 in Resurvey No. 158/4, Reddiarpatti Village, JJ Nagar, D Colony, Palayamkottai Taluk and Palayamkottai Registration District for an extent of 7.71 Cents forthwith.



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For Petitioner : Mr.V.Thirumal

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

: Mr.R.J.Karthick for R4

ORDER

Heard both sides.

2. The petitioner wants to purchase the petition mentioned plot. It admittedly belonged to the father of the fourth respondent namely Sivanaintha Perumal Nadar. He was having two wives. He had also executed the settlement deed in the year 1965. The first wife was given life estate. It is not proper for me to go into the contents of the settlement deed executed by the said Sivanaintha Perumal Nadar. Be that as it may, the two wives jointly executed the sale deed in favour of one Arunachalathammal in the year 1986. The petitioner is purchasing the petition mentioned property from the said Arunachalathammal. In the meanwhile, the fourth respondent has filed O.S.No. 519 of 2013 on the file of the District Munsif Court, Tirunelveli. The question is whether citing the pendency of the suit, the sale deed executed in the name of the petitioner can be refused registration. The third respondent vide proceedings dated 27.10.2022 had taken the stand that the sale deed in question will not be registered. Challenging the same, this writ petition came to be filed.



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3. It is not as if the petitioner is directly purchasing from the wives of Sivanaintha Perumal Nadar. In fact, the transaction had already taken place. More than anything else, the fourth respondent has not obtained any restraint order from the jurisdictional Court. It is needless to state that the rights of the parties will abide by the outcome of the suit. The third respondent need not entangle himself in the civil dispute raised by the fourth respondent. I have been consistently holding that registration cannot be refused merely because an individual is raising objection, if the other documents are in order. In such an event, the registering authority must call upon the objector to obtain restraint order from the jurisdictional civil Court. In this case, since no such restraint order is obtained so far, the impugned proceedings are set aside. The petitioner and the vendor are permitted to resubmit the sale deed. It is stated that the sale deed executed in favour of the petitioner has been kept as pending document. It shall be received and registered and released subject to fulfillment of other usual formalities, if any. I reiterate that the outcome of this writ petition will not in any way affect the rights of the fourth respondent in the pending suit.



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G.R.SWAMINATHAN, J.

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4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : Yes / No

Internet : Yes/ No

rmi

To

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