



W.P.(MD)No.7969 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.7969 of 2019

Karuppiah

... Petitioner

Vs

1. The Sub Registrar,
Department of Registration,
Karambakudi Post & Taluk, Pudukkottai District.

2. Pushpalatha

3. Vijaya Rani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified mandamus, thereby call for the records of the order passed by the 1st respondent, dated 21.03.2019 thereby refusing the registration of the document presented by the petitioner and quash the same as illegal and arbitrary and in consequences thereof direct the 1st respondent register the document presented by the petitioner at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.P.Subbaraj (R1)
Special Government Pleader

No Appearance (R2)



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ORDER

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This Writ Petition has been filed challenging the order passed by the 1st respondent, dated 21.03.2019 and to direct the 1st respondent to register the document presented by the petitioner.

2.Heard Mr.P.Ganapathi Subramanian, the learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the first respondent. Perused the materials available on record.

3.The petitioner has presented the settlement deed executed in favour of his son for registration before the first respondent. However, the same was refused to register on the ground that the daughters of the petitioner have already filed a civil suit in O.S.No.21 of 2019 on the file of District Munsif cum Judicial Magistrate, Alangudi and the same is pending. Challenging the impugned refusal slip, this writ petition has been filed.

4.The issue in hand is no longer *res-integra*. This Court has already elaborately dealt with the issue in ***Subramani v. Sub Registrar and another [(2024) 3 MLJ 588]*** and held that filing/pendency of a civil suit is not a bar for



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registration of document. Any transaction during the pendency of civil suit is always subject to the right to be determined by the Civil Court.

5.In view of the above, this writ petition stands allowed and the impugned refusal slip of the 1st respondent, dated 21.03.2019 is hereby quashed and the first respondent is directed to register the settlement deed within a period of one week from the date of receipt of copy of this order. There shall be no order as to costs.

14.08.2024

NCC : Yes/No

Index : Yes/No

PNM

To

1. The Sub Registrar,
Department of Registration,
Karambakudi Post & Taluk, Pudukkottai District.



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N.SATHISH KUMAR, J.

PNM

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