



W.P.(MD)No.11471 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11471 of 2023
and W.M.P.(MD)No.9959 of 2023

Gokulakrishnan

... Petitioner

Vs.

1.The District Registrar (Administration),
Combined District Registrar Office,
Near Collectorate,
Thanjavur District,
Thanjavur.

2.The Sub Registrar,
Maharnonbuchavadi,
Near Sivanga Park,
Thanjavur District.

3.Seethalakshmi

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.3851/Aa1/2022, dated 28.04.2023 and quash the same.



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For Petitioner : Mr.G.Karnan
For Respondents : Mr.M.Siddharthan,
Addl. Govt. Pleader for R1 & R2
Mr.A.Senthilkumar for R3

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.3851/Aa1/2022, dated 28.04.2023 and quash the same.

2. It is the case of the petitioner that the third respondent is the younger sister of the petitioner. The petitioner's father executed a Will in favour of the petitioner's two minor sons. Hence, the third respondent filed a suit in O.S.NO.92 of 2018 before the Principal District Judge, Thanjavur for partition against the petitioner and other sisters and the same is pending. The petitioner has also filed a suit in O.S.No.375 of 2019 against the respondents not to register any document, at the instance of the third respondent, in respect of the subject property and the same is also pending. Thereafter, since the third respondent is claiming right over the properties, the petitioner has filed a suit in O.S.No.382 of 2022 before the



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Principal Sub Court, Kumbakonam for declaration and the same is also pending.

While so, since the third respondent is trying to register a settlement deed in favour of her husband, the petitioner gave an objection. On the basis of the said objection, the 2nd respondent has refused to register the said settlement deed. As against the same, the third respondent has filed an appeal before the 1st respondent and the first respondent by way of the impugned order has held that the document can be registered, however, the same will be subject to the result of the suit. Challenging the same, the petitioner has filed this Writ Petition.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is of the view that mere registration of a document, pending the suit, will not prejudice the rights of any of the parties and the rights of the parties will be decided in the suit. In the impugned order, the first respondent has also held that the document can be registered, however, the same will be subject to the result the suit. In such



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view of the matter, this Court is not inclined to interfere with the impugned order passed by the first respondent.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

vsm

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