



WP(MD). No.22498 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 29/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22498 of 2019 and

Balavinayagam

... Petitioner

Vs

1. Inspector General of Registration,
No.100, Santhome High Rd, Chennai.

2. The District Registrar (Admn),
Karaikudi.

3. The Sub Registrar,
Aranthangi.

4.M.Vaithiyalingam

... Respondents

(R4 has been impleaded vide order dated 29.08.2024
in WMP (MD) No.2466/2020)

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India to call for the records relating with the order of the 3rd respondent made in Na.Ka.No.32/2019 dated 29.03.2019 and quash the same as it is arbitrary and illegal and in consequence to direct the 3rd respondent to register and release the pending document NO.22/2018 which is pending on his file.



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For Petitioner : M/s.R.Suriya Narayanan,
For Respondent : Mr.K.Vamanan
for impleaded respondent
Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenge has been made to the order of the 3rd respondent in Na.Ka.No.32/2019 dated 29.03.2019 and to direct the 3rd respondent to register and release the pending document No.22/2018, which is pending on his file.

2. When the petitioner presented a sale deed, which was executed in a suit filed for specific performance in OS No.64/2011, the same has been refused to be registered citing that the suit property has already been sold in the year 1989 in favour of Nalini by one Marimuthu, one Sivalingam and Karuppiah. Thereafter the said Nalini has also sold the property in the year 1996. Challenging the same, the petitioner is before this Court.

3. It is the contention of the learned counsel for the petitioner that admittedly the possession is in favour of the petitioner. The very sale



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executed earlier itself is forged and in this regard, the suits already filed by the impleading respondent in OS No.77/2014 for declaration and possession and that suit came to be dismissed as withdrawn on 07.07.2021. Thereafter, another suit has been filed in OS No.34/2021 by the 4th respondent and the same is pending. Hence, when there is a dispute with regard to title, it has to be decided only in a civil Court and the authorities cannot decide the same.

4. Whereas the learned Special Government Pleader would submit that the property has already been transferred. Therefore, the refusal order has been made rightly and hence, the same does not require any interference.

5. At the outset, from the submissions made, it is clear that there is a very serious dispute with regard to the title, where the civil Court has decreed in favour of the petitioner. It is also to be noted that the 4th respondent has objected the execution of the decree by filing EA No. 77/2014 in execution proceedings. The same has been dismissed by the Court below on 20.04.2014. It has been challenged before this Court in



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CRP No.1891/2018 and in the said civil revision petition also dismissed and liberty has also been granted to the 4th respondent to file a civil suit to establish the title. When such being the position, when the petitioner has admittedly in possession of the property and decree has also been passed by the competent civil Court and sale deed is also executed, at this stage, the registering authority cannot venture into the title. The registering authority has to register the document. Admittedly, the parties rights' will be decided on the basis of the documents before the civil Court.

6. In such view of the matter, the writ petition is allowed and the impugned order is quashed. There shall be a direction to the respondents 1 to 3 to register the document. It is also made clear that mere registration itself will not convey absolute title. It is always subject to the result of the pending suits. No costs.

29.08.2024

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NCC : Yes/No

Index : Yes/No

RR



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N.SATHISH KUMAR,J

RR

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