



W.P(MD)No.20823 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20823 of 2023

and

W.M.P.(MD)No.17234 of 2023

Dhanasekaran

...Petitioner

Vs.

1.The District Registrar (Administration),
Ramanathapuram District Registrar Office,
Ramanathapuram, Ramanathapuram District.

2.The Sub Registrar,
Joint-2 Sub Registrar Office,
Ramanathapuram, Ramanathapuram District.

3.Jega Jothi

4.Prabakaran

5.Vasu @ Vala Singam

6.Raja

7.Amutha Valli

8.R.Thangapandian

9.Angusamy

10.Samundeeswari

11.Uma Maheshwaran

12.A.Soma Sundharam

13.Mahalakshmi

14.A.Selva Ganesan

15.A.Abdul Bariq

16.P.S.Syed Abdul Rahman

... Respondents



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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 records pertaining to the impugned order in Na.Ka.No.5318/Aa1/2023, dated 05.05.2023 of the 1st respondent and to quash the same and consequently, to direct the 1st respondent to cancel the registration of the 2nd respondent's document in 1) sale deed in Document No.415/2019, dated 11.03.2019, 2) partition deed in Document No.2439/2020, dated 08.12.2020, 3) sale deed in Document No.2525/2020, dated 14.12.2020, 4) sale deed in Document No. 72/2021, dated 18.01.2021, 5) sale deed in Document No.2978/2022, dated 14.09.2022, 6) sale deed in Document No.3006/2022, dated 15.09.2022, 7) sale deed in Document No.3045/2022, dated 22.09.2022 & 8) sale deed in Document No.3314/2022, dated 19.10.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik
For R1 & R2 : Mr.M.Siddharthan,
Additional Government Pleader
For R4 to R8 : Mr.J.Bharathan
& R10 to R15

ORDER

Challenge has been made to the order of the 1st respondent, dated 05.05.2023, rejecting the request of the petitioner, citing the pendency of the suit.



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2.It is the case of the petitioner that the suit in O.S.No.40 of 2014, seeking for partition between the legal heirs of Late.Vala Singam Pillai @ Vala Singam Servai and his wife Athi Lakshmi Ammal and others, is pending. Pending the same, the private respondents executed some sale deeds in respect of the suit properties. Therefore, the petitioner has made a representation to the 1st respondent, seeking cancellation of the sale deeds. However, the 1st respondent, vide order dated 05.05.2023, rejected the request of the petitioner on the ground that since the suit is pending for partition, where the Registering Officer has also been impleaded as one of the defendants, the petitioner can seek his remedy only after the disposal of the suit. Aggrieved by the same, the petitioner has filed this Writ Petition.

3.This Court is of the view that the very Writ Petition itself is misconceived and there is no bar under the law to deal with the undivided share and there is no rule to conduct any enquiry in this regard by the Registering Authority. Even Section 44 of Transfer of Property Act, 1882 specifically permits such transfer. The only restriction is that the purchaser cannot seek for possession, unless the property has been allotted to his vendor.



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4.In such view of the matter, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

05.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The District Registrar (Administration),
Ramanathapuram District Registrar Office,
Ramanathapuram, Ramanathapuram District.

2.The Sub Registrar,
Joint-2 Sub Registrar Office,
Ramanathapuram, Ramanathapuram District.



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N.SATHISH KUMAR, J

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