



W.P(MD).No.22655 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 02.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P(MD).No.22655 of 2023**

A.Tamilselvi

... Petitioner

Vs.,

1.The Deputy Inspector General of Registration,  
Integrated Complex of Registration Department,  
TNAU Nagar, Rajakampeeram,  
Y.Othakdai, Madurai 625 107

2.The District Registrar,  
Thenkarai, Periyakulam (TK)  
Theni District.

3.The Joint II Sub Registrar,  
Thenkarai, Periyakulam (TK)  
Theni District.

4.Perumayi

5.Muthulakshmi

6.Deivam

7.Paramasivam

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.



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11936/M4/2022, dated 28.04.2023, quash the same as illegal and consequently direct the third respondent to remove the entry of settlement deed in Document No.1598/2021 dated 07.07.2021 from their records and subsequently direct the third respondent to register the petitioner's sale deed as per the sale agreement deed executed by the petitioner and one Murugan, registered Document No. 1616/2021 dated 09.07.2021 in Survey No.490/1C2 to the extent of 0.04.05 ares (10 cents) property is situated at Periyakulam Taluk, Silvarpatti Village,Theni District within a time frame that may be stipulated by this Court.

For Petitioner : Mr.V.Palanichamy

For Respondents : Mr.M.Siddharthan (for R1 to R3)  
Additional Government Pleader  
Mr.R.Senthilkumar (for R4 to R7)

### **ORDER**

The petitioner has given application before the third respondent to cancel the settlement deed registered by the private respondents. After enquiry, the third respondent found that civil suit in O.S.No.70 of 2021 is pending between the parties and hence, the parties are directed to approach the concerned civil Court to establish their right. As against which, appeal has been filed before the first respondent, in which, the order of the third respondent was confirmed, however, till the suit right are determined in the civil Court, it is directed to the parties that any document shall not be registered in respect of the subject property. Challenging the same, the writ petition has been filed.



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2. The writ petitioner is tracing title through the sale deed dated 21.11.2011 vide Doc.No.3778/2011. He alleged that the subject property was purchased from one legal heir of Manickam, whereas the private respondents claimed title over the said property in Survey No.490/1 situated at Periyakulam Taluk, Silvarpatti Village, Theni District, through the revenue records.

3. It is the contention of the learned counsel for the petitioner that the private respondents, during enquiry, have admitted that they are no way connected with the petitioner's land, despite such admission, the order prohibiting any sale in respect of the subject property is not sustained.

4. Heard both sides.

5. It is not in dispute that the civil suit is pending between the parties in O.S.No.70 of 2021 and both the parties are trying to establish their title through various source. Hence, during the pendency of the suit, if any transfer is made, that will always be subject to the result of the said civil suit. At the same time, the blanket order prohibiting the registration of the document in respect of the subject



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property passed by the registering authority, cannot be sustained in the eye of law.

In such view of the matter, the impugned order restricting the transfer of the subject property citing pendency of the suit is hereby quashed. It is made clear that with regard to the further alienation, this Court is of the opinion that the doctrine of *lis pendens* takes care of the same. Both parties are at liberty to adjudicate their rights in the civil suit.

6. With the above observation, the Writ Petition stands allowed. No costs.

**02.09.2024**

NCC : Yes/No

Index : Yes/No

*Rmk*

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**N.SATHISH KUMAR, J.**

*Rmk*

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