



W.A(MD)No.1816 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1816 of 2024
and
C.M.P.(MD)No.13773 of 2024**

C.Shanthi ... Appellant / 3rd respondent

-VS-

1.M.K.Gopi,
S/o.Karmegam,
No.54/44/3,
Mayor Chitti Babu Street,
Triplicane, Chennai-600 005.

Represented on behalf of his
Principal,
Tmt.S.Jayanthi,
W/o.Late.S.Shankar,
Flat No.5, Citadel Flat,
1A, Centaph, 2nd Lane,
Teynampet,
Chennai-600 018.

... 1st Respondent / Petitioner

2.The Inspector General of
Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

3.The Sub Registrar,
Department of Registration,
Kodaikkanal,
Dindigul District.

... Respondents 2&3 / Respondents 1 &2



W.A(MD)No.1816 of 2024

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 25.07.2024 in W.P.(MD)No.13914 of 2024.

WEB COPY

For Appellant : Mr.B.Saravanan,
Senior Counsel,
C.Gangai Amaran

For R-1 : Mr.Sricharan Rengaraj,
Senior counsel,
For Mr.T.Cibi Chakraborty

For R-2 & R-3 : Mr.M.Siddharthan,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The order under challenge is an order of the writ Court setting aside the refusal checkslip issued by the Registrar, refusing to register the sale deed which is executed pursuant to a compromise reached in a litigation that went up to the Hon'ble Supreme Court. The ground for rejection was that a subsequent settlement deed has been registered in the year 2012 before the compromise.

2. The writ Court had taken note of the fact and has held that these issues will have to be fought out in a civil suit and refusal to register a document on the ground that an earlier instrument has been registered particularly by persons claiming rival title cannot be sustained. The writ Court has also taken note of the fact that in the criminal proceedings,



W.A(MD)No.1816 of 2024

there are certain findings which would militate against the appellant.

3. We make it clear that we are not affirming or approving the findings of the criminal Court. The registration of the sale deed by itself would not provide a better title to the 1st respondent and the Civil Court, before which the suit is stated to be pending, will decide the rival claims on the basis of the evidence that is made available to it without being influenced by any of the observations made by the writ Court or by us.

4. The Writ Appeal is dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

15.10.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Sml

To

1.The Inspector General of
Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The Sub Registrar,
Department of Registration,
Kodaikkanal,
Dindigul District.



WEB COPY



W.A(MD)No.1816 of 2024
R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

W.A(MD)No.1816 of 2024

15.10.2024