



W.P.(MD)No.20480 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20480 of 2018
and W.M.P.(MD)No.18227 of 2018

M.Deepak Dhayalan

... Petitioner

Vs.

1.The Joint Sub Registrar No.II,
Thoothukudi.

2.K.Selvaraj

3. Thilagam

4. Sahimathi

5. Saravanan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Impugned Order in Registration Refusal Serial No.RFL/2 Number Joint Sub Registrar Thoothukudi/2/2018 dated 20.09.18 on the file of the 1st Respondent and quash the same and further directing the 1st Respondent to register the sale agreement dated 19.09.2018.



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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.M.Siddarthan,
Addl. Govt. Pleader for R1
Mr.J.Barathan for R2 & R4
No Appearance for R3 & R5

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Impugned Order in Registration Refusal Serial No.RFL/2 Number Joint Sub Registrar Thoothukudi/2/2018 dated 20.09.18 on the file of the 1st Respondent and quash the same and further directing the 1st Respondent to register the sale agreement dated 19.09.2018.

2. The case of the Writ Petitioner is that when the petitioner presented the sale agreement dated 19.09.2018 for registration, the same has been refused to register on the ground that the vendor of the petitioner's title has been declared as null and void by the Principal District Judge, Thoothukudi in O.S.No.35 of 2014. Challenging the same, the present Writ Petition has been filed.



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3. The main contention of the learned counsel for the petitioner that though the suit has been decreed, an appeal has been filed and it is in numbering stage. Therefore, according to him, he is only stepped into the shoe of his vendor and if the document is registered, he cannot claim any other better right than his vendor. Therefore, there is no bar to register the document.

4. The learned counsel appearing for the fourth respondent by producing the judgment and decree of the trial Court in O.S.No.35 of 2014 submitted that the title deed relied on by the petitioner's vendor viz., settlement deed dated 13.11.2013 is declared as null and void. Besides, the trial Court also granted permanent injunction restraining the vendor of the petitioner from claiming any right dealing with the property and it is also stated that the appeal has not been numbered so far.

5. Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the trial Court declared the settlement deed relied on by the petitioner's vendor as null and void and further restrained the petitioner's



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vendor from dealing with the property. At this stage, the petitioner cannot claim any right, merely on the basis of citing the pendency of the appeal and no materials have been produced before this Court to the effect that appeal is taken on file by the appellate Court.

7. In such view of the matter, this Court is not inclined to interfere with the impugned order passed by the authorities at this stage. If the vendor of the petitioner succeeds in the said appeal, it goes without saying that he can deal with the property in any manner. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
vsm



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To

The Joint Sub Registrar No.II,
Thoothukudi.



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N.SATHISH KUMAR, J.

vsm

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