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W.P.(MD)No.25586 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25586 of 2024

and

W.M.P.(MD)Nos.21699 and 21700 of 2024

B.Meenakshi

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
Thanjavur District,
Thanjavur.

3.The Sub-Registrar,
Sub Registrar's Office,
Karunthattankudi,
Thanjavur District.

4.T.Balathandayutham

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Check slips dated 19.05.2023 issued by the third respondent in TP/1470664542/2023, TP/147067085/2023 and quash the same as illegal and consequently direct the third respondent to take on file the documents presented by the petitioner in TP/1470664542/2023, TP/147067085/2023 and register the same within a time limit fixed by this Court.



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For Petitioner : Mr.AK.Amaravel Pandiyan
For R1 to R3 : Mr.C.Satheesh
Government Advocate

ORDER

Mr.C.Satheesh, learned Government Advocate takes notice for the respondents 1 to 3. Considering the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.It is the case of the petitioner that the petitioner is the power of attorney to one Meenakshi/wife of the fourth respondent herein. He presented two power of attorney documents executed by the said Meenakshi before the second respondent. The same were refused to be registered on the ground that the fourth respondent has raised objection stating that the original documents are with him and a suit with regard to the subject property is also pending before the competent civil Court.

4.Admittedly, there is a matrimonial discard between the fourth respondent and his wife, who is the principal of the petitioner. In view of the same, several litigations have been filed and are pending. In an earlier



2023 challenging the rejection order rejecting his objection petition. This Court by an order dated 20.01.2023 dismissed the said writ petition. Now, when the petitioner presented the documents with regard to the subject properties, once again the objection has been made by the fourth respondent stating that the original documents are with him.

5.The order passed by this Court in the writ petition filed by the fourth respondent and the perusal of the records placed before this Court make it very clear that the fourth respondent is trying to prevent his wife to deal with the property. The issued involved in this writ petition is purely relating to the title of the property. In this regard, a suit filed for declaration that the property stands in the name of the petitioner in this writ petition belongs to the fourth respondent, is pending.

6.Mere pendency of the suit cannot be a ground to refuse to register the document. Any transaction made during the pendency of the suit will be subject to the result of the pending suit. The doctrine of *lis pendens* will take care of the situation. Therefore, pendency of the civil suit will not be a bar for the registering authorities to register the document. This issue is elaborately dealt by the Division Bench of this Court in ***N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305]***, wherein, in paragraph 28, it is held as follows:



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“28. It is also pertinent to note that even if transfer is made during a pending suit, such transfer is not void but is subject to the result of the suit. Section 53 of the Transfer of Property Act, deals with fraudulent transfer. Even such fraudulent transfer is made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed. Even in such cases the rights of transferee in good faith and for consideration is protected.”

7.Further, as far as the ground raised by the third respondent with regard to the production of original documents is concerned admittedly, there is a matrimonial dispute between the fourth respondent and his wife and there is a serious rancor between them. Hence, one cannot expect that the fourth respondent will hand over the original documents to his wife.

8.In such view of the matter, this writ petition is allowed and the refusal check slips issued by the third respondent dated 19.05.2023 are set aside. The third respondent is directed to register the documents presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

24.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no

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To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
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Thanjavur District,
Thanjavur.
- 3.The Sub-Registrar,
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N.SATHISH KUMAR, J.

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