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W.P.No.1811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.1811 of 2025

J.Anusuya

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar, Arcot,
Ranipet District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records with respect of the impugned proceedings of the respondent in Refusal number:RFL/ARCOT/80/2024 dated 27.12.2024 and quash the same and consequently direct the respondent to register the sale deed document dated 27.12.2024 presented by the petitioner within a stipulated period as fixed by this Court and pass orders.



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For Petitioner(s) : Mr.M.Vignesh
For Respondent(s) : Mr.Abishek Murthy
Government Advocate

ORDER

The present writ petition is filed challenging the impugned refusal check slip dated 27.12.2024 issued by respondent, whereby the sale deed dated 27.12.2024 was refused to be registered, on the premise that a suit in OS No.48 of 2023 is pending, in respect of the subject property.

2. It is submitted by the learned counsel for the petitioner that mere pendency of a suit is not a bar for registration of a sale deed unless there is an interim order of any court, in respect of the subject property. In this regard, reliance was sought to be placed on the judgment of this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, reported in [2021 (1) CTC 535], wherein it was held as under:



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"10. The 5th respondent has approached the Civil Court and has filed O.S.No.48 of 2019, seeking for the relief of partition and separate possession of 1/27th share in the suit properties. It is also seen that the 5th respondent has filed yet another suit in OS.No.58 of 2017 in which she has claimed for the relief of permanent injunction restraining the defects not to alienate the suit properties. In both the suits, there is no order passed by the competent Civil Court injunctiong from dealing with the suit properties. What the 5th respondent was not able to achieve before the Civil Court is now sought to be achieved through the 3rd respondent by virtue of a letter given before this Court dated 21.02.2020. The 3rd respondent is a statutory authority, who has to strictly perform his function in accordance with law. This Court exercising its jurisdiction under Article 226 of Constitution of India can never prevent a statutory authority from performing his function. Therefore unless and otherwise a competent civil court passes any interim order restraining the alienation of the property, the 3rd respondent has to entertain the documents and register the same, if it is otherwise in order. Ultimately, even if the suit is decreed, the transaction will be subject to the rule of lis pendens. There is no law in force which says that no transaction can take place during the pendency of the suit. That exactly why Section 52 of the Transfer of Property Act, provides a solution for transactions that take place during the pendency of the suit."



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3. When this was pointed out, learned Government Advocate for the respondent would submit that if the sale deed dated 27.12.2024 is re-presented by the petitioner, the same would be registered, if it is otherwise in order, in the light of judgment of this court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, (supra). If, for any reason, the Sub Registrar is of the view that the registration ought to be refused, he would do so after assigning reasons, which was agreed to by the learned counsel for the petitioner.

4. In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 27.12.2024 is hereby set aside. It is open to the petitioner to re-present the sale deed dated 27.12.2024 and if any such sale deed is re-presented, respondent shall register the sale deed, if it is otherwise in order, keeping in view the law laid down by this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, cited supra. If for any reason, the respondent refuses to register the sale deed, he shall assign reasons in the



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refusal order, which was agreed to by both counsel for petitioner as well as respondents.

5. In the result, this Writ Petition stands disposed of. There will be no order as to costs.

17.06.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

mrn

To
The Sub Registrar,
Office of Sub Registrar, Arcot,
Ranipet District.



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MOHAMMED SHAFFIQ, J.

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