



WEB COPY



Writ Petition No.4436 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4436 of 2025

Kumaresan
S/o.Palanivel

... Petitioner

Vs.

The Sub Registrar,
Suramangalam Sub Registrar Office,
Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip dated 06.11.2024 in RFL/Suramangalam/292/2024 issued by the respondent and consequently, direct the respondent to register the Sale Deed dated 26.10.2024 executed in favour of the petitioner, his wife and son.

For Petitioner : Mr.S.Kousik
for Mr.K.Sathish Kumar

For Respondent : Mr.Abishekmurthy
Government Advocate



Writ Petition No.4436 of 2025

ORDER

WEB COPY

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 06.11.2024 and for a consequential direction to the respondent to register the sale deed dated 26.10.2024 executed in favour of the petitioner.

2. Heard Mr.S.Kousik, learned counsel for petitioner and Mr.Abishekmurthy, learned Government Advocate appearing for respondent.

3. On carefully going through the refusal check slip issued by the respondent, it is seen that there is a partition suit filed in O.S.No.342 of 2024 pending on the file of the District Court, Salem and in that partition suit, the partition deed that is relied upon by the vendor has also been put to challenge. In that suit, the respondent has also been made as one of the defendant. Hence, the respondent refused to register the document.

4. In the considered view of this Court, the mere pendency of a suit cannot be a ground for refusal to register a document. The law on



Writ Petition No.4436 of 2025

this issue is now too well settled and useful reference can be made to the judgment in ***Vadamugam Vellode Nalukarai Nattu Goundergal Sangam v. Inspector General of Registration and others*** [2021 (1) CTC 535]. In the absence of any restraint order passed by the competent civil Court, there shall be no bar to entertain a document and if any purchase of the property is made it will be subject to the rule of *lis pendens*. It is confirmed that no interim order has been passed by the Court restraining the property from being alienated.

5. In view of the above, the impugned refusal check slip issued by the respondent dated 06.11.2024 is hereby quashed and there shall be a direction to the respondent to register the sale deed dated 26.10.2024, if it otherwise in order.

This writ petition is allowed with the above direction. No costs.

14.02.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



WEB COPY



Writ Petition No.4436 of 2025

N.ANAND VENKATESH, J

gm

To

The Sub Registrar,
Suramangalam Sub Registrar Office,
Salem District.

Writ Petition No.4436 of 2025

14.02.2025