



Writ Petition No.4571 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4571 of 2025

P.Sathya
W/o.Praveen
represented by her Power Agent
P.Balamani

... Petitioner

Vs.

1.The District Registrar,
O/o.The District Registrar,
Tiruppur.

2.The Sub Registrar,
O/o.The Sub Registrar,
Palladam.

3.P.Rukmani
W/o.K.Ponnusamy

4.P.Rajkumar
S/o.K.Ponnusamy

5.R.Eswaramurthy
S/o.Rakkiya Gounder

6.Sanjeev
S/o.R.Eswaramurthy

7.A.Chinnasamy
S/o.Arumuga Gounder

... Respondents



Writ Petition No.4571 of 2025

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 proceedings of the first respondent in Na.Ka.No.2177/AA1/2023 dated 11.11.2024 and quash the same as illegal, without jurisdiction and unconstitutional and consequently, direct the second respondent to register the document in Doc.No.P20/2021 on the file of the second respondent.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents : Mr.U.Baranidharan
Special Government Pleader [R1 & R2]

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 11.11.2024 and for a consequential direction to the second respondent to register the sale deed executed in favour of the petitioner.

2. Heard Mr.V.Ramesh, learned counsel for petitioner and Mr.M.Shahjahan, learned Special Government Pleader appearing for respondents 1 and 2.



3. The case of the petitioner is that she was intending to purchase the undivided half-share in the subject property and a sale deed was executed in this regard on 04.10.2021. When this sale deed was presented before the second respondent for registration, the second respondent kept that sale deed as a pending document in pending document No.P20 of 2021. The petitioner's brother, aggrieved by the same, filed W.P.No.16805 of 2022 for a direction to register the sale deed, which is kept as a pending document by the second respondent. This writ petition was disposed of by an order dated 04.07.2022 by issuing certain directions to pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. Pursuant to the above order, the second respondent passed an order dated 24.11.2022 refusing to register the documents. Aggrieved by the same, the petitioner filed an appeal before the first respondent and the first respondent, through the impugned proceedings dated 11.11.2024, has confirmed the decision taken by the second respondent and rejected the application. Aggrieved by the same, the present writ petition has been filed before this Court.



5. The writ petition filed by the brother of the petitioner in W.P.No.2748 of 2025 was allowed by this Court by order dated 05.02.2025. This order will equally enure in favour of the petitioner also.

6. On carefully reading the order passed by the first respondent while confirming the order passed by the second respondent, it is seen that the authorities have refused to register the sale deed executed in favour of the petitioner only on the ground that objections were made by the private respondents and that a suit is pending between the parties in O.S.No.372 of 2021 on the file of the II Additional District Court, Tiruppur.

7. In the considered view of this Court, this Court has repeatedly held that mere pendency of the suit or mere objections raised by some third parties will not be a ground for rejection or refusal to register a document unless there is a restraint order passed by the competent civil Court. This is in view of the fact that there is no bar to deal with the property when a suit is pending and at the best, such an alienation will only be hit by law of *lis pendens*. Hence, the person, who purchases the property during the pendency of the proceedings, will be bound by the final decision that is taken in the suit.



8. In the case in hand, admittedly there is no restraint order passed by the competent civil Court before which the suit is pending. The objections were given by the rival claimants only based on their claim made in the suit and they also rely upon two other documents to substantiate their objections. Such an objection or pendency of the suit, cannot come in the way of the Sub-Registrar from entertaining the document and registering the same since the Sub-Registrar cannot go into the rival claims made by the parties. In other words, the Sub-Registrar merely performs an administrative act of registering the document and such registration by itself does not confer any new right on the parties. The person, who executed a document can only convey what he already has. Whether the person has any right to convey the property is a matter that will be decided in the suit pending before the competent civil Court. Useful reference can be made to the judgment in

A.Abdullasa v. Inspector General of Registration and others [2021 (2)

CWC 451] and the relevant portions are extracted hereunder:

"4.This Court has repeatedly held in several cases that registration of documents cannot be refused by Registrar unless the situation warrants as contemplated under Sections 71 & 72 of the Registration Act or under Section 22-A of the Registration Act. Though the Registrar under the Registration Act is empowered to conduct enquiry with regard to identity of person executing a document/instrument as contemplated under Section



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33 of Registration Act read with Rule 55 of the Rules framed under Registration Act, the Registrar cannot refuse to register the document on the basis of objections raised by a rival Claimant, who has different source of title. If the Petitioner satisfies the Registrar as to what is required in law to register the document, the Registrar shall not dwell upon the issues, which are not within the scope of Registration Act or within his power. It is also to be noted that the documents presented by the Petitioners in these cases were executed on 27.4.2018. As a matter of fact, the Petitioners are subsequent purchasers. The dispute appears to be between the persons claiming under Govinda Konar on the basis of Will alleged to be executed by Govinda Konar and the children of Govinda Konar, who are entitled to get the property by succession. The document that was executed by the children of Govindan earlier on 24.3.2011 and 26.3.2012 were accepted for registration without any query/or objection. The Petitioners have purchased the property from the persons, who have purchased the property from the heirs of Thiru.Govinda Konar. It is not appropriate to doubt the *bona fides* of the transaction after allowing the previous documents to be registered in the manner known to law.

5. The learned Counsel appearing for the Sixth Respondent in W.P.No.15663 of 2018 submitted that a Suit is pending and that therefore there cannot be a direction to the Sub-Registrar to register the document. Having regard to the reasons stated above to set aside the order of Sub-Registrar namely the Third Respondent, the contention of the Petitioners cannot be countenanced. The disputed question of title cannot be allowed to be decided by the Registration authority exercising its power or jurisdiction under the Registration Act. As pointed out by this Court in several Judgments the impugned Order of refusal to register the document cannot be justified. Therefore the Writ Petitions are allowed. Impugned Order passed by the Third Respondent is set aside and the Third Respondent is directed to register the Sale Deed and release the Sale Deed presented on 27.04.2018 or to be presented pursuant to their order within a period of two weeks from the date of receipt of a copy of this order."



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9. In the light of the above discussion, this Court has no hesitation to interfere with the impugned proceedings of the first respondent dated 11.11.2024 confirming the order passed by the second respondent and the same is hereby quashed. There shall be a direction to the second respondent to register the pending document, if it otherwise in order. It is made clear that mere registration of the document will not in any way affect the rights of the private respondents and both sides can agitate the matter before the civil Court by putting forth all the grounds and the same will be dealt with on its own merits and in accordance with law. Ultimately, the execution of sale deed in favour of the petitioner will be subject to the final result in the suit.

In the result, this writ petition is allowed with the above direction. No costs.

17.02.2025

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



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N.ANAND VENKATESH, J

gm

To

- 1.The District Registrar,
O/o.The District Registrar,
Tiruppur.
- 2.The Sub Registrar,
O/o.The Sub Registrar,
Palladam.

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