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W.P.No.5714 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.5714 of 2025
and WWP.No.6297 of 2025

M.Venugopal

... Petitioner

Vs

1.The District Registrar (Admin)
Chennai South
Combined South Chennai Commercial Taxes and
Registration Department Complex
Ground Floor, Fanepet, Nandanam
Chennai - 600 035.

2.The Sub Registrar
Neelankarai
1/17, I Floor, Kajera Garden 2nd Street
East Coast Road, Neelankarai
Chennai - 600 115.

3.S.Ravikumar ... Respondents
[R3 impleaded as per order dated 03.03.2025 in
WMP.No.7498/2025 in WP.No.5714/2025]

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to
issue a Writ of Certiorarified Mandamus calling for the records of the respondents



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in connection with impugned orders issued by the respondents 1 & 2 in Na.Ka.No.2864/Aa1/2024 dated 22.07.2024 and Na.Ka.No.89/2024 dated 05.04.2024 respectively and quash the same and further direct the second respondent to register the pending document No.P403/2023 on the file of the second respondent.

For Petitioner : Mr.V.E.Anishkumar
for M/s.Dhineshkumar Associates

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

Mr.S.Ramesh for R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the first and second respondent dated 22.07.2024 and 05.04.2024 and for a consequential direction to the second respondent to register the pending document on the file of the second respondent and to release the document.

2. Heard Mr.V.E.Anishkumar, learned counsel appearing for the petitioner and Mr.U.Baranidharan, learned Additional Government Pleader for respondents 1 and 2 and Mr.S.Ramesh, learned counsel for the third respondent.



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3. The grievance expressed by the petitioner is that the petitioner wanted to purchase the subject property and after due diligence, the petitioner was satisfied with the right and title over the property and accordingly, the total sale consideration was fixed at Rs.49,87,500/-. The property was sought to be purchased from Mr.Ramamoorthy Rajagopalan and Mrs.Sanjeevi Ranjani, who are represented through a power agent. The sale deed dated 11.12.2023 was executed and presented for registration before the second respondent. This document was kept as pending document, since the third respondent had submitted the protest petition. Ultimately, the second respondent refused to register the document through proceedings dated 05.04.2024. This order was confirmed by the first respondent through proceedings dated 22.07.2024 and aggrieved by the same, the present writ petition has been filed before this Court.

4. The only issue involved in the present case is as to whether there is any restraint order passed against the vendor of the petitioner in the pending suit in O.S.No.157 of 2012 filed by the third respondent. On going through the records, it is seen that the suit is pending before the Principal District Munsif Court,



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Alandur. Initially, an interim order was passed in I.A.No.368 & 369 of 2012 on 20.12.2012, directing *status quo* to be maintained as against all the respondents/defendants. Ultimately, this I.A. was decided on merits and a final order was passed on 28.06.2013 and permanent injunction was granted only as against R4, R5, R10 and R14. Thus, the civil Court had confined the permanent injunction order as against some of the respondents/defendants and it was not granted as against all the respondents/defendants. It is therefore clear that there was no order of injunction against the vendor who wanted to sell the property in favour of the petitioner. In such an event, there is no restraint in selling the property in favour of the petitioner and it goes without saying that such sale of property in favour of the petitioner will be governed by the rule of *lis pendens*.

5. In the light of the above discussion, the impugned proceedings of the second respondent dated 05.04.2024, which was confirmed by the first respondent through proceedings dated 22.07.2024 is hereby quashed and there shall be a direction to the second respondent to register the sale deed if it is otherwise in order. It is made clear that such sale will be subject to the final result in the suit in O.S.No.157/2012.



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6. In the result, this writ petition is allowed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

03.04.2025

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

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N. ANAND VENKATESH., J

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