



Writ Petition No.6516 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.6516 of 2025

S.Bharathi

S/o.Saminathan

... Petitioner

Vs.

The Sub-Registrar,
Dharmapuri West SRO,
Dharmapuri 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 RFL/Dharmapuri West/201/2024 dated 20.12.2024 passed by the respondent, quash the same and consequently direct the respondent to register the sale deed dated 20.12.2024 executed by one Thiru.P.K.Selvam and Tmt.S.Vadivu for herself and on behalf of two minor children in respect of the property measuring 0.25.55 hrs in S.F.No.445/1 and 0.57.00 hrs in S.F.No.445/7, Thithiyoppana Halli Village, Pennagaram Taluk, Dharmapuri District.

For Petitioner : Ms.M.Adhishree

For Respondents : Mr.U.Baranidharan
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 20.12.2024 and for a consequential direction to the respondent to register the sale deed dated 20.12.2024 executed in favour of the petitioner.

2. Heard Ms.M.Adhishree, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondent.

3. The case of the petitioner is that the subject property is owned by the legal heirs of one Shanmugam. The legal heirs of the said Shanmugam wanted to convey the property in favour of the petitioner and accordingly, they executed a sale deed dated 20.12.2024 for a total sale consideration of Rs.9,17,000/-. When the sale deed was presented for registration before the respondent, the respondent refused to register the sale deed on the ground that attachment order has been passed in arbitration proceedings and two of the properties in those proceedings are the subject properties, which is sought to be conveyed in favour of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. In the case in hand, none of the parties, who are involved in

the present transaction are parties in the arbitration proceedings.

Therefore, the attachment order that was passed in the arbitration proceedings will not bind the parties and that by itself cannot be a ground to refuse registration of the sale deed. The law on this issue was dealt with by this Court in the judgment in ***Palanivel v. Registrar and others*** [2021 (5) MLJ 715]. This Court, after considering the law on the issue, has held that the sale of the subject property during the subsistence of an attachment order is void only as against the claimants and not in respect of the others, who are not bound by such an order of attachment. Therefore, the order of attachment by itself will not be a ground to bar the parties from dealing with the property, who are otherwise entitled.

5. Accordingly, the impugned refusal check slip issued by the respondent dated 20.12.2024 is hereby quashed and there shall be a direction to the respondent to register the sale deed, if it is otherwise in order.



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N.ANAND VENKATESH, J

gm

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

04.03.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

gm

To

The Sub-Registrar

Dharmapuri West SRO

Dharmapuri District

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