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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 11921 of 2025
and WMP No. 13489 of 2025**

R.Karanamaharaja

Petitioner(s)

Vs

1. The District Registrar Office
102, State Bank Road, Gopalapuram,
Coimbatore, Tamil Nadu-641 018.

2.The Sub Register
Mettupalayam, Coimbatore District.

3.T.Papathi

4.T.Rangammal @ Mani

5.K.Krishnaswamy

6.K.Marimuthu

7.K.Ramkumar

8.P.Swaminathan

9.Santhamani



10.P.Ponnuswami

11.A.Kuppusamy

12.A.Sivakumar

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Respondent(s)

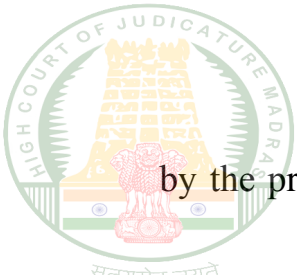
PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to quash the reply dated 23.12.2024 given the 2nd respondent the Sub-Registrar of Mettupalayam, quashing the same and consequently directing the 2nd respondent not to entertain any documents for registration in the respect of the property situated at Survey No.102/3B, Sikkadasampalayam, Mettupalayam Taluk, Coimbatore District in favour to any of the third party other than the petitioner, until the completion of the sale as per the Agreement for sale deed 05.06.2025 executed between the petitioner and the respondents 3 to 12.

For Petitioner(s): Mr.S.N.Kalaiselvan

For Respondent(s): M.U.Baranidharan
Special Government Pleader
for R1 and R2

ORDER

This writ petition has been filed for issue of writ of mandamus forbearing the 2nd respondent from entertaining any documents presented for registration

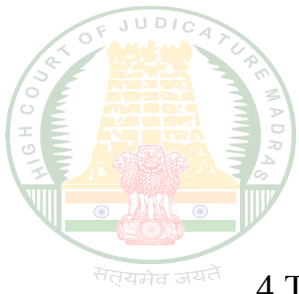


by the private respondents who are attempting to create third party rights with respect to the subject property.

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2. Heard Mr.S.N.Kalaiselvan, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidaharan, learned Special Government Pleader appearing on behalf of respondents 1 & 2.

3. The main grievance expressed by the petitioner is that the petitioner is an agreement holder and since the Sale Deed was not executed in favour of the petitioner, a suit for specific performance has already been filed before the competent Civil Court and when the same was pending, an attempt was made by the private respondents to create third party rights by transferring the properties. Therefore, the petitioner made an objection before the 2nd respondent in this regard. The 2nd respondent through the impugned letter dated 23.12.2024, rejected the objection made by the petitioner on the ground that the petitioner must workout his remedy only before the competent Civil Court. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.



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4. Taking into consideration the facts and circumstances of the case and considering the materials placed before this Court, a substantial dispute between the parties is now pending before the Civil Court. The petitioner is an agreement holder and if any attempt is made by the private respondents to alienate the property, the petitioner can only seek for an interim protection before the Civil Court. The writ jurisdiction cannot be invoked for the sake of getting an interim order when the main dispute is pending before the Civil Court. That apart, the Division Bench of this Court in ***N.Ramayee vs. Sub-Registrar, Registration Department and Another*** reported in ***2020 6 CTC 697*** has categorically held that the owner of the property cannot be stopped from dealing with the property even if he has entered into an agreement of sale with a third party and the Sub Registrar cannot refuse to register the document in such cases. In short, unless and otherwise, the agreement holder gets an interim order before the Civil Court where a suit is pending, the Sub Registrar cannot be restrained from entertaining the document.



5. In the light of the above discussion, this Court does not find any illegality in the reply given by the 2nd respondent dated 23.12.2024. It is left open to the petitioner to file an appropriate application before the Civil Court where a suit is pending and seek for interim protection.

6. Except giving this clarity, no further orders can be passed in this writ petition and accordingly, this writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

09-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.The District Registrar Office
102, State Bank Road, Gopalapuram,
Coimbatore, Tamil Nadu-641 018.

2.The Sub Register
Mettupalayam, Coimbatore District.



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N.ANAND VENKATESH J.

SSR

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