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W.A.Nos. 2156 and 2178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN**

**Writ Appeal Nos. 2156 and 2178 of 2025
and
C.M.P.Nos. 16370 and 16650 of 2025**

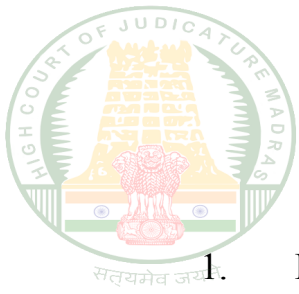
A.Chinnasamy

... Appellant
in both Writ Appeals

Vs.

1. P.Sathya
Represented by her Power Agent
P.Balamani
2. The District Registrar,
O/o.The District Registrar,
Tiruppur.
3. The Sub Registrar,
O/o.The Sub Registrar,
Palladam.
4. P.Rukmani
5. P.Rajkumar
6. R.Eswaramurthy
7. Sanjeev

... Respondents
in W.A.No.2156 of 2025



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1. R.Loganathan
2. The District Registrar,
O/o.The District Registrar,
Tiruppur.
3. The Sub Registrar,
O/o.The Sub Registrar,
Palladam.
4. P.Rukmani
5. P.Rajkumar
6. R.Eswaramurthy
7. Sanjeev

... Respondents
in W.A.No.2178 of 2025

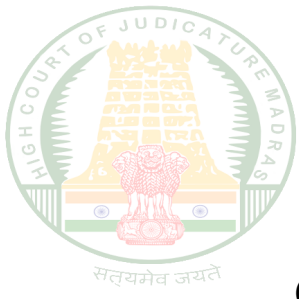
Common Prayer : Writ Appeals filed under Clause 15 of Letters Patent to set aside the orders passed in W.P.Nos.4571 of 2025 and 2748 of 2025 dated 17.02.2025 and 05.02.2025.

For Appellant
(in both Writ Appeals)

: Mr.P.V.Balasubramanian
Senior Counsel for
Mr.T.Balaji

For Respondents
(in both Writ Appeals)

: Mr.V.Ramesh
for Mr.Sithirai Anandan for R1
Mr.U.Baranidharan
Special Government Pleader for R2 and R3
No appearance for R4 to R7



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W.A.Nos. 2156 and 2178 of 2025

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM)

Under assail are the Writ Orders dated 17.02.2025 and 05.02.2025 passed in W.P.Nos.4571 of 2025 and 2748 of 2025. The 7th respondent - A.Chinnasamy in the writ petitions is the appellant before this Court.

2. Admittedly, a civil dispute exists between the parties and a suit instituted in O.S.No.372 of 2021 on the file of the II Additional District Court, Tiruppur is pending. The civil suit has been instituted at the behest of the appellant herein. The private respondents in the present appeal presented a document for registration under the Registration Act. The Sub Registrar issued an order of refusal, which came to be challenged in the writ petitions. The learned Single Judge made a finding that mere pendency of the civil suit or mere objections raised by some third parties cannot be a ground for rejection or refusal to register a document, unless there is a restraint order passed by the competent Civil Court. Admittedly, no restraint order has been passed by the Civil Court during the pendency of the suit. Thus, the Writ Court directed the Sub Registrar to register the sale deed.



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3. Learned Senior Counsel Mr.P.V.Balasubramanian, appearing on behalf of the appellant would mainly contend that during the pendency of the civil suit, any direction issued to register a document would cause prejudice to the appellant. There is a possibility of relying on the High Court order in registering the document for the purpose of establishing the civil right. In such an event, the right of the appellant would be infringed. That apart, during the pendency of the civil suit any party can seek the similar remedy and on that ground also, the Writ Court ought not to have entertained the Writ Petition. Thirdly, the writ orders impugned have been issued without hearing the appellant and therefore, the impugned writ orders are to be set aside.

4. Learned counsel Mr.V.Ramesh, appearing on behalf of the first respondent in both Writ Appeals (private respondents) would oppose by stating that admittedly, there is no restraint order issued against the private respondents in the civil suit instituted at the behest of the appellant. Mere pendency of the civil suit as rightly recorded is not a bar for registering a document. Therefore, the writ orders are to be sustained. He would further



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submit that the private respondents are not parties to the civil suit. In reply, the learned Senior Counsel for the appellant would submit that the vendors of the private respondents are parties in the civil suit.

5. Be that as it may, no doubt, mere pendency of the suit may not a bar for registering a document. However, facts of each case has to be considered and the likelihood of causing injury to any of the parties also to be taken into consideration, while issuing a direction to register a document during the pendency of the suit. At the outset, facts of each case plays pivotal role in taking decision.

6. In the present case, it is not in dispute that a civil suit has been instituted in O.S.No.372 of 2021 and the relief sought for in the suit is comprehensive and the private respondents have purchased the suit properties from the defendants on 04.10.2021. Per contra, the appellant claims that he purchased the suit properties on 01.06.2006. When the appellant as well as the private respondents both are claiming title over the suit properties and the suit is also pending before the competent civil Court, it would be unnecessary for the writ Court to adjudicate or crystallize the civil

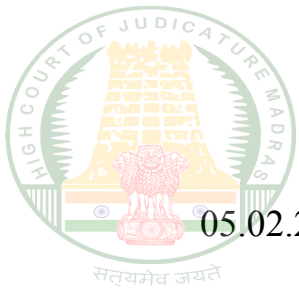


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rights for the purpose of registering a document under the Registration Act.

Such registration may cause prejudice to either of parties in defending their suit based on the documents and evidences available on record. Contrarily, such parties can approach the civil Court for appropriate remedy. When such a remedy is available for the parties before the Civil Court of law, the Writ Court is expected to exercise restraint in issuing a direction which would result in implications in the matter of adjudicating the suit in an effective manner and also while deciding *inter se* rights between the parties to the civil suit.

7. In view of the facts and circumstances, it is left open to the private respondents to implead themselves in the suit or the appellant himself may initiate action to implead the respondents herein in the suit for the purpose of adjudication of issues in an effective manner, since the private respondents are also claiming right over the suit properties. As far as registration of a document is concerned, a direction issued by the Writ Court may cause prejudice and thus, this Court is inclined to interfere. Accordingly, the writ orders impugned in W.P.Nos.4571 and 2748 of 2025 dated 17.02.2025 and



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05.02.2025, are hereby set aside and the Writ Appeals are **allowed** with the above directions. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

[S.M.S.J.,] [C.S.N.J.,]
12.09.2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes/No
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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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S.M.SUBRAMANIAM, J.
AND
C.SARAVANAN, J.

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