



W.P.No.18206 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.05.2025

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.18206 of 2025

M.Sivabackiam

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road, Annamalaipuram,
Chennai 600 028.

2.The District Registrar,
The District Register Office,
Gopalapuram,
Coimbatore - 18.

3.The Sub-Registrar,
The Sub-Registration Office,
Anaimalai - 642 104.

4.Mrs.Govindammal

5.Mrs.Rubadevi

6.Mr.Santhoshkumar

7.Ms.Indirani @ Indira Gandhi

... Respondents

PRAYER : Writ Petition is filed under Article 226 of The Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records of refusal check slip number RFL/Anaimalai/26/2025 dated 06.05.2025 on the file of the third respondent and quash the same and consequently, direct the



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third respondent to register the sale deed dated 06.05.2025.

For Petitioner : Mr.C.Ramaraj

For Respondents : Mr.Karthik Jagannathan, GA
for R1 to R3

ORDER

This Writ Petition has been filed to call for the entire records of refusal check slip number RFL/Anaimalai/26/2025 dated 06.05.2025 on the file of the third respondent and quash the same and consequently, direct the third respondent to register the sale deed dated 06.05.2025.

2. Heard Mr.C.Ramaraj, learned counsel for the petitioner and Mr.Karthik Jagannathan, learned Government Advocate for R1 to R3 and perused the materials available on record.

3. The suit for partition was laid in the year 2015 between the petitioner and the private respondents. The suit was decreed on 30.08.2023. Against the said decree, an Appeal is pending in A.S.No.463 of 2024 on the file of this Court. An interim order has been granted staying the passing of final decree alone. The petitioner decided to alienate the undivided share of her property in favour of one Selvaraj. She presented the document for registration which was



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rejected on the ground that the First Appeal is pending. Hence, this Writ
Petition.

4. Pendency of an Appeal is not a bar for alienation of the property by the petitioner in favour of any one. A share has been declared for the petitioner and that share can be alienated by her. The purchaser will take the property subject to the result of the suit. This position has been settled by this Court in the case of *N.Ramayee Vs. Sub-Registrar [(2020) 6 CTC 697]*.

5. In the light of the above, the impugned order passed in refusal check slip number RFL/Anaimalai/26/2025 dated 06.05.2025 is quashed and the third respondent is directed to register the sale deed presented by the petitioner in so far her undivided share is concerned, within a period of two weeks from the date of receipt of the uploaded copy of this order in the website of this Court. No costs.

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Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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V.LAKSHMINARAYANAN,J.

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To

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