



W.P. No.24959 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.24959 of 2025

P.Padma Priya

... Petitioner

Vs.

1.The Sub Registrar,
Office of Sub-Registrar,
Kullanchavadi,
Cuddalore District.

2.C.Panneer Selvam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of refusal check slip issued by the first respondent in RFL/Kullanchavadi/44/2025 dated 24.06.2025, in refusing to register the sale deed dated 19.06.2025 executed in petitioner's favour, citing objection petition filed by the 2nd respondent on the basis of a registered sale agreement dated 01.11.2002, registered as Document No.2383/2022 in petitioner's favour and quash the same as illegal, arbitrary, opposed to law and without jurisdiction and further direct the first respondent to register the said sale deed covered under the impugned order of refusal check slip, within a time frame as may be fixed by this Court and pass orders.



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For Petitioner(s) : Mr.R.Veeramani

For Respondent(s) : Mr.U.Baranidharan
Special Government Pleader
for R1

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the Respondent No.2 is dispensed with.

2. The present writ petition is filed challenging the impugned refusal check slip dated 24.06.2025 issued by the first respondent, whereby the sale deed dated 19.06.2025 was refused to be registered, on the premise that there was an agreement of sale dated 01.11.2022, which was already registered in Doc No.2383 of 2022 in respect of the same property in favour of the petitioner and a protest petition has also been received from the second respondent stating that the second respondent is likely to file a suit.

2.1. It is submitted by the learned counsel for the petitioner that both the above reasons do not justify refusal to register the sale deed and it is contrary to



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the decision of the Division Bench of this Court in the case of *N.Ramayee Vs.*

WEB *The Sub Registrar, Registration Department, Valapady - 636 115, Salem District and another* reported in (2020 (6) CTC 697), wherein it was held that Registrar has no right to refuse to register the subsequent document on the basis that agreement of sale was already registered in respect of same property and the decision of this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, reported in [2021 (1) CTC 535], wherein it was held that mere pendency of a suit is not a bar for registration of a sale deed unless there is an interim order of any court.

2.2. The relevant portion of the order of the Division Bench of this Court in the case of *N.Ramayee Vs. The Sub Registrar, Registration Department, Valapady - 636 115, Salem District and another* reported in (2020 (6) CTC 697), is extracted hereunder:

"46. Accordingly, we answer the reference as follows:

If an agreement for sale is registered in respect of immovable property, the same will not be a bar for the owner of the property to effect subsequent transfers in respect of the same property. The Registrar has no right to refuse to register the document, except the documents relating to immovable properties mentioned in Section 22-A of the Tamil Nadu Act and as contemplated under Rule 162 of the Registration Rules.

...



49. As already indicated, the purpose of registration is only to give a public notice. It is for the buyer or subsequent transferee to make reasonable enquiry. Doctrine of caveat emptor will also apply to every transfer. It is for them to verify the title of the property by making reasonable enquiry. At any event, subsequent transfer will always be subject to the rights already created. Therefore, it cannot be said that merely because agreement for sale is registered without obtaining decree of declaration that such agreement is void, subsequent transfer is prohibited and cannot be registered. We hold that as discussed in our judgement, Registrar has no right to refuse to register the subsequent document on the basis that agreement of sale was already registered in respect of same property."

2.3. A Single Judge of this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, reported in [2021 (1) CTC 535], held as under:

"10. The 5th respondent has approached the Civil Court and has filed O.S.No.48 of 2019, seeking for the relief of partition and separate possession of 1/27th share in the suit properties. It is also seen that the 5th respondent has filed yet another suit in OS.No.58 of 2017 in which she has claimed for the relief of permanent injunction restraining the defects not to alienate the suit properties. In both the suits, there is no order passed by the competent Civil Court injunction from dealing with the suit properties. What the 5th respondent was not able to achieve before the Civil Court is now sought to be achieved through the 3rd respondent by virtue of a letter given before this Court dated 21.02.2020. The 3rd respondent is a statutory authority, who has to strictly perform his function in accordance with



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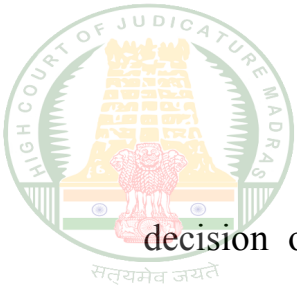


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law. This Court exercising its jurisdiction under Article 226 of Constitution of India can never prevent a statutory authority from performing his function. Therefore unless and otherwise a competent civil court passes any interim order restraining the alienation of the property, the 3rd respondent has to entertain the documents and register the same, if it is otherwise in order. Ultimately, even if the suit is decreed, the transaction will be subject to the rule of lis pendens. There is no law in force which says that no transaction can take place during the pendency of the suit. That exactly why Section 52 of the Transfer of Property Act, provides a solution for transactions that take place during the pendency of the suit."

2.4. It is further submitted by the learned counsel for the petitioner that there is no suit pending.

3. When this was pointed out, learned Special Government Pleader for the first respondent would submit that if the sale deed dated 19.06.2025 is re-presented by the petitioner, along with an affidavit stating that there is no suit pending and even if any suit is pending with respect to the subject property, there is no interim order. On such re-presentation of the sale deed and filing of an affidavit, the sale deed would be registered, if it is otherwise in order, in the light of judgment of a Division Bench of this Court in the case of *N.Ramayee Vs. The Sub Registrar, Registration Department, Valapady* cited supra and the



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decision of this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, cited supra. If, for any reason, the Sub Registrar is of the view that the registration ought to be refused, he would do so after assigning reasons, which was agreed to by the learned counsel for the petitioner.

4. In the light of the above discussion, the impugned refusal check slip issued by the first respondent dated 24.06.2025 is hereby set aside. It is open to the petitioner to re-present the sale deed dated 19.06.2025 along with an affidavit stating that there is no suit pending and even if any suit is pending with respect to the subject property, there is no interim order. If any such sale deed is re-presented along with such affidavit, the first respondent shall register the sale deed, if it is otherwise in order, keeping in view the law laid down by this Court in the case of *N.Ramayee* cited supra and in the case of *Vadamugam* cited supra. If for any reason, the first respondent refuses to register the sale deed, he shall assign reasons in the refusal slip, which was agreed to by both counsel for petitioner as well as respondents.



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WEB COPY In the result, this Writ Petition stands disposed of. There will be no order as to costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

mrn

To:

1.The Sub Registrar,
Office of Sub-Registrar,
Kullanchavadi,
Cuddalore District.



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MOHAMMED SHAFFIQ, J.

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