



W.P.No.27830 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.27830 of 2025
and
W.M.P.No.31164 of 2025

- 1.Nallappa Gounder
- 2.G.Poovathal
- 3.Parameshwari
- 4.Nandhakumar
- 5.Nithiyananthan

... Petitioners

Versus

The Sub-Registrar,
Sub-Registrar Office,
Sivagiri Taluk,
Erode District.

...Respondent

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Sivagiri_Erode/70/2025 dated 13.05.2025 and to quash the same as illegal, incompetent and ultravires and consequently direct the respondent to register the sale deed dated 13.05.2025 executed by the petitioner.

For Petitioners : Mr.M.Guruprasad



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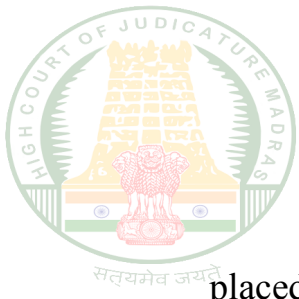
For Respondent : Mrs.A.Bakkiyalakshmi,
Govt. Advocate

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the impugned refusal slip dated 13.05.2025 issued by respondent, whereby the sale deed dated 13.05.2025 was refused to be registered, on the premise that a suit in O.S No.52 of 2025 is pending, in respect of the subject property.

3. It is submitted by the learned counsel for the petitioners that in respect of the suit property, a suit is pending for recovery of money against the vendor. The said suit was preferred on 09.01.2025, whereas the sale deed was presented on 13.05.2025 and the impugned order was passed on 13.05.2025. It is further submitted that there is no interim order in the above said suit. 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, in respect of the subject property. In this regard, reliance was sought to be



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placed on the judgment 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 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 injuncting 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 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



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Transfer of Property Act, provides a solution for transactions that take place during the pendency of the suit."

4. When this was pointed out, learned Government Advocate for the respondent would submit that the petitioners may file an affidavit before the respondent stating that there is no interim order in the above suit and re-present the sale deed dated 13.05.2025. On such filing of an affidavit, they would re-hear the matter, after issuing notice to the petitioners as well as the other protest applicants and thereafter, proceed with the registration of the said sale deed, if it is otherwise in order, in the light of judgment of this court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, (supra), within a time frame to be fixed by this Court. 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 petitioners.

5. In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 13.05.2025 is hereby set aside. The



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petitioners shall file an affidavit before the respondent stating that there is no interim order in the above suit and represent the sale deed dated 13.05.2025. On such filing of an affidavit, the respondent shall re-hear the matter after issuing notice to the petitioners and other protest applicants and thereafter, proceed with the registration of sale deed, if it is otherwise in order, keeping in view the law laid down by 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 respondent refuses to register the sale deed, he shall assign reasons in the refusal order, which was agreed to by both counsel for petitioners as well as respondent. The above exercise shall be completed within a period of three weeks from the date of filing of the affidavit by the petitioners.

6. In the result, this Writ Petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is also closed.



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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

The Sub-Registrar,
Sub-Registrar Office,
Sivagiri Taluk,
Erode District.



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MOHAMMED SHAFFIQ, J.

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