



W.P.No.27194 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.27194 of 2025
and
WMP No.30530 of 2025**

1.Kanchana
2.Manoj Kumar

... Petitioners

Vs.

The Sub Registrar
Sub Registrar's Offices,
Kaveripattinam,
Krishnagiri Taluk,
Krishnagiri District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned receipt dated 24.04.2025 No.2575/2025, in Document No.P/Kaveripattinam/27/2025, quash the same and consequently direct the respondent to register the sale deed dated 23.04.2025, in receipt dated 24.04.2025 No.2575/2025 in Document No.P/Kaveripattinam/27/2025.



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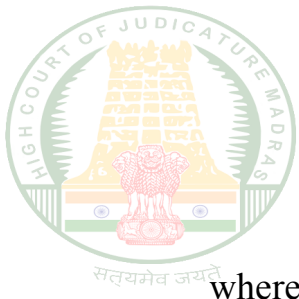
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For Petitioner(s) : Mr.B.Manimaran
For Respondent(s) : Mr.U.Baranidharan
Special Government Pleader

ORDER

The present writ petition is filed challenging the impugned receipt No.2575/2025 dated 24.04.2025, in Document No.P/Kaveripattinam/27/2025 and consequently, direct the respondent to register the sale deed dated 23.04.2025.

2. It is submitted by the learned counsel for the petitioner that the reason for keeping the document pending is only in view of the fact that a suit is stated to be pending. He would submit that mere pendency of a suit may not be 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 placed on the judgment of this Court in the case of *Vadamugam Vellode Nalukarai Nattu Goundergal Sangam vs The Inspector General of Registration*, in *W.A.No.12585 of 2020 dated 11.09.2020*,



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wherein it was held as under:

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



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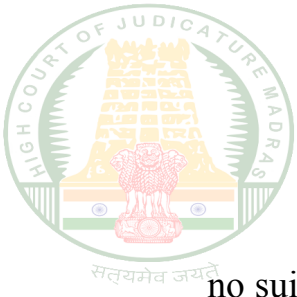
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pendency of the suit."

3. He would also submit that he would file an affidavit stating that no suit is pending and there is no order of any competent court restraining or injuncting registration of any transfer/instrument in respect of the subject property.

4. Learned Special Government Pleader for the respondent would submit that if the petitioner presents the sale deed dated 23.04.2025 along with an affidavit, within a time frame to be fixed by this Court, the same would be registered, if it is otherwise in order. 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.

5. In the light of the above discussion, it is open to the petitioner to present the sale deed dated 23.04.2025 along with an affidavit stating that



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no suit is pending and there is no order of any competent court restraining or injuncting registration of any transfer/instrument in respect of the subject property, within a period of two weeks from the date of uploading of web copy without waiting for the receipt of certified copy of this order. If any such sale deed is presented, respondent shall register the sale deed, if it is otherwise in order, within a period of two weeks thereafter, 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 appropriate reasons in the refusal order, which was agreed to by both counsel for petitioner as well as respondents. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.

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



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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

mrn

To
The Sub Registrar
Sub Registrar's Offices,
Kaveripattinam,
Krishnagiri Taluk,
Krishnagiri District.



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MOHAMMED SHAFFIQ, J.

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