



WP No. 41267 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 41267 of 2025

AND

WMP NO. 46202 OF 2025

Parvin @ Parveen,
W/o. (late) Abdul Sathar,
Sethurathinapuram, Manapparai,
Manapparai Taluk, Trichy District.

Petitioner(s)

Vs

1.The District Registrar,
Namakkal Registration District,
Namakkal.

2.The Sub- Registrar Joint- 2,
Namakkal, Namakkal District.

3.K.Thangaraj,
S/o.Kaliyaperumal, Seviyar Street,
Old No.4/93, New No.4/10,
Seekathampurpalayam,
Thuraiyur Taluk, Trichy District.



4.Pappathi,
W/o.Marappan, 72A, Savadi Street,
Ramapuram Pudur, Namakkal Town,
Namakkal District.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order of the 2nd respondent vide proceedings in pending document No.P47/2025 dated 29.09.2025 and quash the same consequently direct the 2nd respondent to cancel the sale agreement deed registered by the 2nd respondent to cancel the sale agreement deed registered by the 2nd respondent in Document No.4524/ 2025 dated 29.09.2025.

For Petitioner(s): Mr.M.Pitchai Muthu

For Respondent: Mr.Abishek Murthy
Government Advocate
for R1 & R2

ORDER

This writ petition has been filed by the petitioner seeking to call for the entire records pertaining to the impugned order of the 2nd respondent vide proceedings in pending document No.P47/2025 dated 29.09.2025 and quash the



same and consequently direct the 2nd respondent to cancel the sale agreement deed registered by the 2nd respondent to cancel the sale agreement deed registered by the 2nd respondent in Document No.4524/ 2025 dated 29.09.2025.

2.Mr.Abishek Murthy, learned Government Advocate, takes notice on behalf of the respondents 1 & 2. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3.Learned counsel for the petitioner would submit that the petitioner's husband had already entered into a sale agreement to purchase the subject property from the respondents 3 & 4 on 04.05.2012 and registered it on the same day. Since the respondents 3 & 4 failed to act as per the agreement, the petitioner's husband filed Civil Suit in O.S.No.195/2013 for specific performance and the same was decreed in *exparte* on 26.03.2014 and the execution petition filed to execute to decree is yet to be numbered. While so, on 23.01.2019, the petitioner's husband was passed away. Taking advantage of the same, the respondents 3 & 4 by creating false and fabricated documents tried to



grab the subject property. Therefore, the petitioner made a objection to register the subject property by the respondents 3 & 4, before the 2nd respondent on 06.11.2019. Based on the same, the petitioner was called for enquiry since the 4th respondent presented the document pertaining to the subject property for registration. However, the 2nd respondent denied the request of the petitioner and passed the impugned order dated 29.09.2025 and registered the document presented by the 4th respondent.

4.Learned Government Advocate appearing for the respondents 1 & 2 would submit that since no judgment and decree was presented by the petitioner, the sale agreement was registered on 29.09.2025. Under such circumstance, the respondents have no power to cancel the document already registered and the recourse available for the petitioner is to approach the Civil Court get injunction to prevent the registration of subject property by the 4th respondent in favour of the third parties.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2.

6. Considering the submissions made by either parties, as rightly contended by the learned Government Advocate appearing for the respondents 1 & 2, in the present case, though the judgment and decree in O.S.No.195 of 2013 was passed on 26.03.2014, the same was not produced before the Sub-Registrar. Since no documentary evidence was produced to substantiate the decree obtained by the petitioner's husband, the subsequent sale agreement was registered on 29.09.2025. Under such circumstance, the recourse available for the petitioner is to approach the Civil Court and execute the decree dated 26.03.2014 and even an interim order can be obtained restraining the 2nd respondent from registering the sale deed pertaining to the subject property in favour of third parties. Further, there is no impediment for the 2nd respondent to register the sale deed in favour of the petitioner when it is presented in accordance with law since she has got a decree. However, at this stage the 2nd



respondent has no power to cancel the registered document and thus, the present writ petition is devoid of merits.

7. In the result, the present writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

03-11-2025

(¹/₂)

rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Registrar,
Namakkal Registration District,
Namakkal.

2. The Sub- Registrar Joint- 2,
Namakkal , Namakkal District.



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KRISHNAN RAMASAMY J.

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