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W.A.(MD)NO.1942 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1942 of 2025 AND

C.M.P.(MD)No.11079 of 2025

A.K.Haribasker

... Appellant/Petitioner

Vs.

1. The District Registrar(Administration),
Registration Department,
Palani, Dindigul District.

2. The Sub Registrar,
Registration Department,
Vadamadurai, Dindigul District.

3. The Sub Registrar,
Registration Department,
Ponnamaravathi, Pudukkottai District.

4. Dr.Aa.Alagesan

5. K.Raja Mohammed

6. Suresh

7. Ibrahim

... Respondents/ Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal and set aside the order dated 19.09.2023 passed by the learned single Judge in W.P.(MD)No.22740 of 2023 on the file of this Court.



For Appellant : Mr.J.Lawrance

For R-1 to R-3 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-4 : Mr.J.Anandakumar

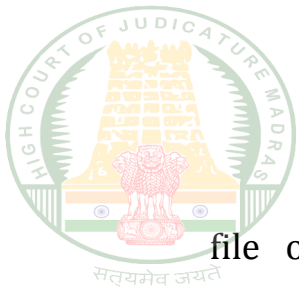
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J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellant herein is the son-in-law of the fourth respondent. The fourth respondent executed sale deed dated 25.09.2006 in favour of the appellant. It was registered as document No.1976 of 2006 on the file of SRO, Ponnamaravathi. Subsequently, the fourth respondent gave his daughter in marriage to the appellant. The marital relationship between the appellant and his wife appears to have come under strain. Be that as it may, the fourth respondent filed a petition under Section 77-A of the Registration Act before the first respondent. The first respondent vide order dated 12.12.2022 restrained the appellant from dealing with the property till the disposal of the civil suit in O.S.130 of 2021 on the file of the District Munsif, Thirumayam (now renumbered as O.S.No.248 of 2023 on the



file of the District Munsif-Judicial Magistrate, Ponnamaravathi).

Challenging the said order dated 12.12.2022, the appellant filed W.P. (MD)No.22740 of 2023. The learned single Judge vide order dated 19.09.2023 disposed of the writ petition in the following terms:-

“ The District Registrar has passed an order based on the application of the fourth respondent not to alienate the property pending civil suit and the same is challenged by way of this writ petition.

2.The learned counsel for the petitioner submitted that the District Registrar has passed this order on the ground that this property was purchased from the Sridhana of the petitioner's wife and this finding is not correct. According to the petitioner, the property was purchased in the year 2006 and the marriage between the petitioner and his wife was solemnized in the year 2014. With regard to the subject same property, a civil suit in O.S.No.130 of 2021 is also pending between the petitioner and the respondents 4 & 5 before the District Munsif Court, Thirumayam.

3. The learned Special Government Pleader appearing for the respondents submitted that in the civil suit, status quo was ordered.



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4. This Court considered the rival submissions made.

5. The petitioner has challenged the impugned order which was passed in the year 2022. It is now reported that with regard to the subject property a civil suit is pending, where, the civil Court has granted an order of status quo. Therefore, this writ petition is disposed of with a direction to the District Munsif Court, Thirumayam to conclude the civil proceedings in O.S.No.130 of 2021 as expeditiously as possible, preferably, within a period of eight (8) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

Aggrieved by the same, this writ appeal has been filed.

3. As rightly pointed out by the learned counsel appearing for the appellant, the issue raised in the writ petition is no longer *res integra*. As per Section 68(2) of the Registration Act, the first respondent would not have such a power. The said provision confers the supervisory jurisdiction on the authority. It does not confer any adjudicative functions or powers. In any event, the first respondent



could not have restrained the appellant from dealing with the property. In any event, when the civil Court is seized of the matter, the authority need not have gone into the issue. The order impugned in the writ petition is set aside. The order passed by the learned single Judge is set aside. We make it clear that the civil Court will decide the issue on its own merits and in accordance with law without being influenced by the outcome of these proceedings. This writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
18th July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Registrar(Administration),
Registration Department, Palani, Dindigul District.
2. The Sub Registrar,
Registration Department,
Vadamadurai, Dindigul District.
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