



W.P.(MD)No.1644 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.1644 of 2025

S. Anthony Arockiyadoss

... Petitioner

/Vs./

The Sub-Registrar
Illupur Post and Taluk,
Pudukkottai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 26.12.2024 in RFL/Illupur/177/2024 and quash the same as illegal and arbitrary and in consequence there of direct the respondent to register the sale deed dated 11.12.2024 executed by the Sahayaselvi and eight others in favour of the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.S.P.Maharajan

Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 26.12.2024, thereby, refused to register the sale deed, which was presented for registration dated 11.12.2024 on the ground that the appeal suit is pending filed by the counter party.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The property comprised in S.No.389/3, to an extent of 1.27 cent situated at Illuppur Village, belonged to one Santhanam. He died intestate on 16.12.2001 leaving behind his legal heirs. The petitioner has purchased the said property from them and presented the sale deed for registration. However, it was refused to register on the ground that the counter party filed a suit for declaration in respect of the very same subject property in O.S.No.185 of 2019 on the file of the District Munsif, Illuppur and it was dismissed on 05.03.2024 and aggrieved by the judgment and decree, counter party filed an appeal suit in A.S.No.15 of



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2024, on the file of the Sub Court, Keeranur, Pudukkottai District. The petitioner's vendor derived title over the subject property, after the demise of their father, viz., Santhanam.

4. Though the counter party, one John peter, filed a suit for declaration in O.S.No.185 of 2024 on the file of the District Munsif, Illuppur in respect of the subject property and the same was dismissed by the judgment and decree dated 05.03.2024. Aggrieved by the same, the said John peter preferred an appeal suit and it is pending as A.S.No.15 of 2024 on the file of the Sub Court, Keeranur, Pudukkottai District, for adjudication.

5. Admittedly, the respondent is not a party to the suit and the appeal suit. There is no restrained order, restraining the respondent to register any document in respect of the subject property. When it being so, mere pendency of the appeal suit filed by the counter party, is not an impediment for the registering authority to register the document, which was presented for registration.



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6. In view of the above, the impugned order passed by the respondent dated 26.12.2024 is not sustainable and the same is liable to be quashed accordingly, quashed. The petitioner is directed to represent the sale deed for registration before the respondent and on receipt of the same, the respondent is directed to register the same and release the same forthwith, if it is otherwise in order.

7. With the above observation, this Writ Petition stands allowed.

No costs.

22.01.2025

Index : Yes / No
NCC : Yes / No
LS

TO:-

The Sub-Registrar
Illupur Post and Taluk,
Pudukkottai District.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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